

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**HOUSE AGRICULTURE COMMITTEE**

**Date:** Thursday, February 12, 2009  
**Place:** Capitol

**Time:** 3:00 pm  
**Room:** ~~136~~ 137

**BILLS and RESOLUTIONS HEARD:**

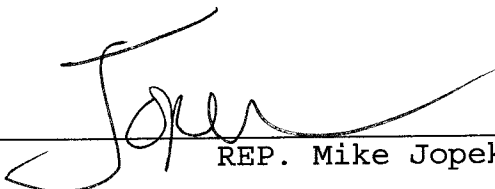
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 418, HB 445


**EXECUTIVE ACTION TAKEN:**



Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):


**COMMENTS:**

  
\_\_\_\_\_  
REP. Mike Jopek, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**Agriculture COMMITTEE**

DATE: Feb. 12, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Representative French	✓	
Representative Butcher	✓	
Representative Roundstone	✓	
Representative Bean	✓	
Representative Furey	✓	
Representative Regier	✓	
Representative Fleming	✓	
Representative Randall	✓	
Representative Howard	✓	
Representative Kerns	✓	
Representative Taylor	✓	
Representative Dickenson	✓	
Representative Wagner	✓	
Representative Caferro	✓	
Representative Warburton	✓	
Representative McClafferty	✓	
Representative Hoven	✓	
Representative MacDonald	✓	
Representative Belcourt	✓	
Chairman Jopek	✓	

**Montana House of Representatives  
Visitors Register**

**Agriculture Committee**

**Date** 2/12/09

**Bill No.** #B 445 **Sponsor(s)** Rep. B. Hands

**PLEASE PRINT**

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**PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
DAVE CHRISTENSEN	SELF	✓		
Chris Christensen	SELF	✓		
Jim Baergrover	AERO	✓		
Chris Stephens	SELF	✓		
Arleen Rice	MABA		✓	
OLE NORCMARI	MOA	✓		
Richard Thielges	MT Grain 4Fl.	✓		
Will Roehm	MABA		✓	
Nathan Merrill	Self	✓		
PON VELAND	SELF		✓	
Dale Clark	Self		✓	
Mike DeVries	Self		✓	
Skip Stillman	Self	✓	✓	
LEDON JONES	SELF	✓		
Bruce Wright	SELF		✓	
Burr Gies	Self	✓		
Gordon FAHRENBACH	Self	✓		
Gordon Sargent	Self	✓		
Garth Bascom	"	✓		

Cynthia Johnson

11 MT farmers

X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Katie Knight  
Julia Page

AERO  
Northern Plains

✓  
✓



**Montana House of Representatives  
Visitors Register**

**Agriculture Committee**

**Date** 2/12/09

**Bill No.** HB 418 **Sponsor(s)** Rep. E. Butcher

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Name and Address	Representing	Support	Oppose	Inf.
<i>Christy Wagner</i>	<i>HARPER, MT</i>	<i>X</i>		

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

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**Montana House of Representatives  
Visitors Register**

Agriculture Committee

Date 2/12/09

Bill No. 418

Sponsor(s) Rep Ed Butcher

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Name and Address	Representing	Support	Oppose	Inf.
Tahnee Szymanski 157 Jackson Creek Clary	Self			
Allan Undersdal Shelby	Toole County	X		
John Jensen	Fergus County	X		
CAEL Seilstad	Fergus County	X		
DR Rod Welchert Roscoe MT 59011	Self	X		
Clint Brumyer	Self	X		
Earl H. Eads	Self	X		
Larry Vickromich	Self	X		
Chuck McGregor	Self	X		
Will Munn	Self	X		
Helen Maria	"	X		
Trevi Butcher	Self	X		
Justin Lee	Self	X		
Joanna Dove, MD 640 12th St. Clary	Self		X	
Sandra Broesder	Pondera County	X		
Ken Johnson	Self	X		
Small Rice	Starkweather	X		
Seale Zim	Self			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



**Montana House of Representatives  
Visitors Register**

Agriculture Committee

Date 2/12/09

Bill No. HB 4118

Sponsor(s) Rep. E. Butcher

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Name and Address	Representing	Support	Oppose	Inf.
DARLENE FAHRENBURCH	Self	✓		
Dick Lysman	Jacobs Rodeo	✓		
Shane Vaira	Vaira Rodeo Co.	✓		
Harley Rouns	Riverton Rodeo	✓		
Gordon Sargent	Self	✓		
Marilyn Heese	Self	✓		
Ken Dunn	Broadband QH	✓		
Jan Finn	J Bar F Performance Horses	✓	✗	
Beverly Fox	Self		✓	
Peter Fawcett	Self	✓		
Robert Lee	Rosebud Co.	✓		
Tim Hodgskiss	SEIL & TERRY CO.	✓		
Marty Macoe	TARA Co. Commission	✓		
Joseph Barrett	Joseph Barrett	✓		
George Culpepper, Jr.	Self	✓	✗	
Maureen Davey	Stillwater County	✓		
Gail Vennes	Broadwater County	✓		
Larry Obert	Broadwater County	✓		
Ernie Mauch	Stillwater County			

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**Montana House of Representatives  
Visitors Register**

**Agriculture Committee**

**Date** 2/12/09

**Bill No.** HB 418 **Sponsor(s)** Rep. E. Butcher

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**PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Julie Wagner	Me, Myself, & I	✓		
David T. Kuman	WIFE	✓		
Lari Brandon	me	✓		
Doretta Pacheco	me	✓		
Wayne Pacheco	me	✓		
John Pley	me	✓		
Glenn Macdonald	Roosevelt Co	✓		
Jim Smith	Roosevelt Co	✓		
Gladys Walling	myself	✓		
Aerix Reilly Reilly Bend / MT Woodbury		✓		
Richard Dunbar	Ph. Hills Co	✓		
Maxine Korman	Wife MT WIFE	✓		
Mac Cole	myself	✓		
Chris Morrell	me			
Jim Brown	MYSELF			
JANE HEATH, HELENA	MT. HORSE SANITARY		✓	X
JD Svedberg	Sergeant P.R. Hersee	✓		
Troy Blunt	Phillips County	✓		
Debbie Robinson	Phillips County	✓		

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

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**Agriculture Committee**

**Date** 2/12/09

**Bill No.** HB418 **Sponsor(s)** Rep. E. Butcher

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Name and Address	Representing	Support	Oppose	Inf.
Vic ANDERSEN	self		X	
Chase Krom	Krom Ranch & Cattle	X		
Lyle Allen	Lawson Livestock	X		
Nancy SKINNER	WIFE & self	X		
Kerli Phillips	self	X		
Anta Wilson	self	X		
Johnny B. Wilson	self	X		
Carlo Swanson	Self	X		
William White	self	X		
Joan Specking	Self		X	
Locke Dean Dorn	Self	X		
John Parker	Billings Livestock	X		
Wm Parker	Billings Livestock	X		
Dr Lisa Jacobson	Self / Mt Horse Sanctu		X	
Victor Phillips	Self	X		
Bob Hanson	MFRF	X		
Beau M. D	Self	X		
Van Chapman	Self	X		
Julie Kane	self	X		

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

*Rep Jopek* <sup>AD<sup>1</sup></sup>  
*proponent*

February 9, 2009

Dear Legislator,

I strongly support HB418 and am writing to encourage your assistance in the passage of this bill.

Animal rights activists have spread a lot of misinformation on the horse slaughter situation across the United States. Those of us in the livestock industry would also like our voices heard and to set the record straight. The horse is considered livestock, not a pet or a companion. Each year we pay an assessment tax for owning these animals and receive a tax deduction as a business expense. The horse is therefore considered private property by the government, and as long as private property is treated humanely, the government cannot tell someone what to do with it.

The closure of horse slaughter plants in Texas and Illinois has resulted in a large number of unwanted horses throughout the United States. One third of all horse owners make less than \$50,000 annually, and without the choice to sell their horses to slaughter plants more dangerous and inhumane methods are being used to dispose of them. Horse owners are unable to care for these animals due to the downturn in the economy, high feed costs, a lack of use of the animal, or shortage of personal land to run them on. These horses are being turned out on roads, government and private lands and are essentially being abandoned. They are left to be hit by vehicles (thus posing a threat to humans), or to starve to death, die of disease or untreated injury.

In essence, these lower level horses have no economic value. No time in American history has livestock in the United States been so reduced to such a worthless commodity. During the Revolutionary War, the tragic Civil War, the Indian Wars, and the Great Depression the horse held its value. During wartime, peacetime, a turbulent economy and the fluctuation of supply and demand, the horse has continued its value until now. Montana is in a unique position to help the horse industry of our beloved state as well as the rest of the nation. In addition, we can create an economic stimulus here in our own state by adding to our tax base and job pool.

The American Veterinary Medical Association, the American Quarter Horse Association, the Montana Quarter Horse Association and other livestock organizations have gone on record as supporting horse slaughter. We care about our horses and the industry and the future of the horse in the United States. Our goal is to obtain a long term solution which is something our opponents did not facilitate when the plants were closed. Horse owners can still place their horses in sanctuaries or give them away to a owner in better circumstances, but as a member of this industry we should be able to have a choice as where our horses, our personal property, goes. We encourage you to put common sense back into the horse industry and support HB418.

Respectfully,

*Karri McGivern*  
*Bigman, MT*

AD  
proponent

J. Ward

February 9, 2009

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Respectfully,

Katie J Ward 406 596 4000  
SHERIDAN, MT

February 9, 2009

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Ms. Debora Lay  
380 Haven Ln.  
Hamilton, MT 59840

AD  
proponent

Rep Jopek

February 9, 2009

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Respectfully,

Lon &amp; Stacey Waid

Waid Ranch, Inc.

Havre, MT

Stacey Waid  
Lon Waid



*Rep Jopek*

*AD  
opponent*

Dear Montana Legislators,

My name is Linda Berardo I am with Americans Against Horse Slaughter. We are a non funded, grassroots group of people from across the country brought together for the sole purpose of passing legislation S 311 / HR 503. We have no other agenda.. I can not stress the importance of this bill. The horse has served this county well and to come to end like this is disgraceful. Over breeding is the unwanted horse. Horse slaughter rewards irresponsible breeding. The captive bolt dose not work on Equines and most are butchered alive. The average age of horses going to slaughter is 2 to 10. I want you to read the USDA reports from when horse slaughter here in the United States. This is animal abuse. Horses are still being gathered and sent to Canada and Mexico to meet a horrific death. Horses are not food animals, they are companions and partners in sports and police work. Please do not consider to open a horse slaughter house in your beautiful state.

Horses are and always will be an American Icon, not food for Europe.

Please look at this so you understand:

<http://www.kaufmanzoning.net/>

Last week, thirty-six months after making a Freedom of Information Request of the U.S.D.A. regarding violations of the "Commercial Transportation of Equines to Slaughter Act" at the horse slaughter plant in Fort Worth, I received the documents. Nothing could have prepared me for their content. The 906-page FOIA includes almost 500 separate photographs of severe and alarming cruelty at the plant during part of 2005. I am an exceptionally seasoned investigator but was unprepared for the very extreme level of inhumane treatment of these animals on U.S. soil.

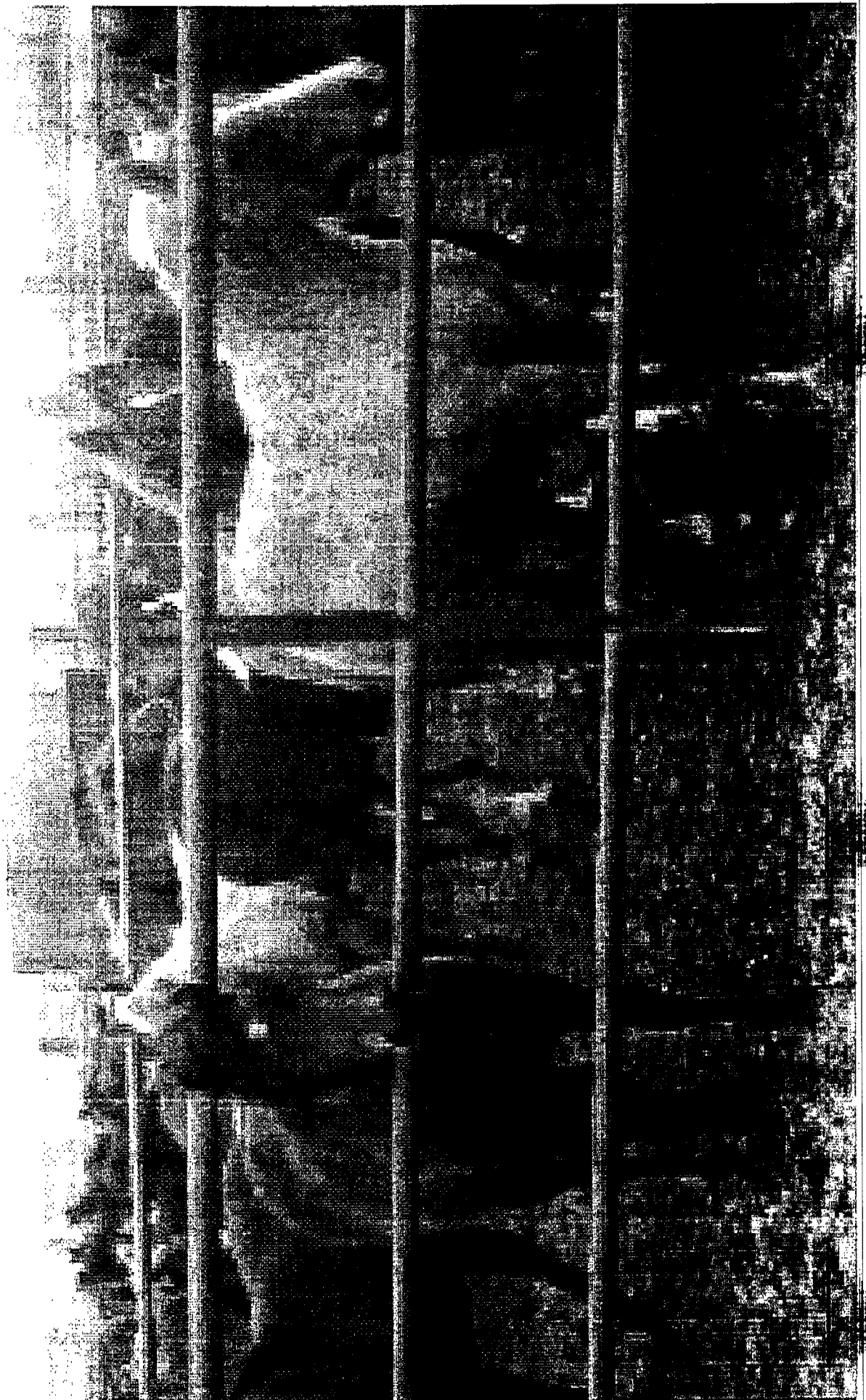
Sincerely,

*L. Berardo*  
Linda Berardo



Over Breeding is the unwanted  
Horse - Shelby Montana Feed lot  
aka young to daughter





FEB-12-2009 14:53 FROM:

TO: 4825

P. 2/2

AD  
opponent**To: Montana Agricultural Committee Members****Fax: 406-444-4825****From: Tabitha J. Tashlian 508-882-0165****Honorable Agricultural Committee members:**

We write in regard to **HB 418 to be heard Thursday Feb 12 at 3 PM by the MT House Agriculture Committee**. We respectfully ask you to **VOTE NO on this resolution** and perform due diligence for your and your constituents' assurance on any and all claims. Clearly, Committee members will want to be certain that any claims made in regard to the resolution can be substantiated.

Members may hear some may make the case for slaughter because of a perceived need to address a large abandoned/unwanted horse population. I'm sure that as a committee member that you will ask to see sworn affidavits and police reports supporting any claims of abandoned horses. Actual expenses to euthanize unwanted horses would be relatively easy to address via humane euthanasia. At an average cost of \$250 for euthanasia, state humane societies could easily come together to fund this peaceful and humane exit, which commercial slaughter for profit is not.

When there were horse slaughter plants in the US, they were part of a horse meat industry that was only 0.001% of the US meat industry. The US horse slaughterhouses were all foreign-owned. Horse slaughter is so disliked by the American public that no US-based company will ever be associated with it, so any US efforts will very likely continue to be under foreign-owned management. As when these corporations operated previously here, they paid effectively no income taxes and paid no export taxes, meaning the US government effectively subsidized the sale of horse meat to high-end consumers in Asia and Europe. In these economic times that is a politically unpopular effort to support.

When horse slaughter plants operated in the US, the communities where they were located found they operated in violation of environmental and local regulations, by dumping waste illegally, and by putting burdens on municipalities and adjacent environments, with little means to capture clean-up costs. Ex-Mayor Paula Bacon of Kaufman, TX can describe those burdens which her town endured without mitigation. Can you subject Montana municipalities to those financial and environmental burdens?

Transport issues will not be lessened by US plants. The US encompasses a vast square mile area and regardless of US- or Canadian/Mexican-based plants, transport distances are a life-threatening burden on horses shipped to slaughter.

There is no benefit here to the people of Montana to initiate horse slaughter, economically or otherwise. Any profits from this brutal activity will go into the pockets of foreign investors while tourism and the state's good name will be darkened. Committee members surely must be aware that the captive bolt gun was designed to be effective on cattle skulls, and that cattle are held in stocks to secure their head for an effective hit. No such effort is used for horses, nor can it be done economically. Further, equine brains are well back in their skull and the bolt fails to reach it effectively. This suffering is unacceptable. Commercial horse slaughter is fraught with undue suffering and negative marks against the state.

Know that as to the foreign-owned Beltex plant in Fort Worth, TX there are recently-released 2007 USDA documents showing terrible, yet too-common suffering of the animals under USDA regulations and oversight. Under USDA's watch, this is the on-the-ground reality and this is surely what Montana does not want to be associated with. People throughout the US know this to be the reality, regardless of well-intentioned efforts to gain economic stimulus in Montana. See: <http://www.prweb.com/releases/2008/12/prweb1704434.htm> and <http://www.khou.com/video/index.html?nvid=315146> please be familiar with this USDA material.

Montana must determine its own way, but be aware that supporting horse slaughter endangers horses in all states. Everyone's horse is a target for theft as long as states support slaughter. Please encourage and enable responsibility to Montanans with their horses. **Vote no on HB 418. Thank you.**

**PLEASE: MT HB418 3PM****House  
AG. Comm**

# please: MT HB 418 -3PM House AG Com Mtg.

AD  
Opponent

To: **Montana Agricultural Committee Members**  
Fax: **406-444-4825** Kathryn & John Webers (781) 834-0527  
From: 1 pg / February 12, 2009

Rep. J. J. J.

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When horse slaughter plants operated in the US, the communities where they were located found they operated in violation of environmental and local regulations, by dumping waste illegally, and by putting burdens on municipalities and adjacent environments, with little means to capture clean-up costs. Ex-Mayor Paula Bacon of Kaufman, TX can describe those burdens which her town endured without mitigation. Can you subject Montana municipalities to those financial and environmental burdens?

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Know that as to the foreign-owned Beltex plant in Fort Worth, TX there are recently-released 2007 USDA documents showing terrible, yet too-common suffering of the animals under USDA regulations and oversight. Under USDA's watch, this is the on-the-ground reality and this is surely what Montana does not want to be associated with. People throughout the US know this to be the reality, regardless of well-intentioned efforts to gain economic stimulus in Montana. See: <http://www.prweb.com/releases/2008/12/prweb1704434.htm> and <http://www.khou.com/video/index.html?nvid=315146> please be familiar with this USDA material.

Montana must determine its own way, but be aware that supporting horse slaughter endangers my horse (a retired racing Standardbred) and horses in all states. My horse is a target for theft as long as states support slaughter. I'm responsible for my horse, please encourage and enable responsibility to Montanans with their horses. Vote no on HB 418.

Kathryn & John Webers  
43 Medford St., Marshfield, MA 02050

Kathy P. Webers John Webers

AD  
opponent

Montana Legislators

Fax

*Rep. Jopek*

Oppose H.B. 418

This bill is an endorsement to further advocate cruelty, abandonment, starvation, send ANY horse, theft, to slaughter...slaughter is animal cruelty in the utmost degree. Look at pictures, videos, etc...and only benefits foreign investors...tax payers money is going to them and them alone, not the state of Montana. They operate these slaughter houses to provide horse meat, not cull unwanted horses, but seek them and want overbreeding and excess horses to continue as it has for over 50 years. FIFTY YEARS did not alleviate the 'unwanted horse myth and myth it is'. It has perpetuated, endorsed it, and asked for it...

Who is killing them? The United States of America by allowing this type of a plant for our horses who built America. Without horses, America would not exist as we know it today. The environmental impact and stench, the chronic sewer violations, the horribleness of a plant is too much to list.

Please oppose and continue with cattle and other farm animals. We do not Ride and trailer cattle, saddle them up and jump them or any other farm Animal raised for food in this country. Horses are companion livestock and we need to protect their existence in this country which SLAUGHTER is eroding day by day...the land for them to live on should be mandatory and land to grow hay, horse communities, trails, etc...slaughter is denying our rights to ride and own a horse...

*Sherrice Toland-Mueller*

**Former Mayor Paula Bacon**

**City of Kaufman**

**Kaufman, TX 75142**

AP  
Opponent  
Rep. Jake Koppelman

RE: HB 418

February 12<sup>th</sup>, 2009

Dear Montana Agriculture Committee Members:

You will soon be asked to vote on the subject legislation regarding the commercial slaughter of American horses of which you probably have very little first hand knowledge. No doubt you have heard from lobbyists and organizations who want you to support the practice, but before you do, you should ask yourself why the residents of Texas and Illinois worked so hard to rid their states of their horse slaughter plants. The answer may surprise you.

As a mayor who lived with this plague in her town for many years, who knows what the horse slaughter industry really is and what it does to a community please allow me to tell you what we experienced. The industry caused significant and long term hardship to my community which was home to Dallas Crown, one of the last three horse slaughter plants in the United States.

All three plants were foreign-owned, and since the market for horsemeat is entirely foreign, the industry will always be dominated by these foreign interests. The corporations involved in this industry have consistently proven themselves to be the worst possible corporate citizens.

The Dallas Crown horse slaughtering facility had been in operation in Kaufman since the late 70's and from the beginning had caused problems both economically and environmentally. I have listed some of the specific issues below.

I will gladly provide you with detailed reports from my former City Manager, Police Chief, and Public Works Director regarding odor and wastewater effluence violations at the Dallas Crown horse slaughter plant in the City of Kaufman.. The reports reference "decaying meat [which] provides a foul odor and is an attraction for vermin and carrion," containers conveyed "uncovered and leaking liquids," there are "significant foul odors during the daily monitoring of the area," and "Dallas Crown continually neglects to perform within the standards required of them."

Therefore, in August of 2005, our City Council decided by unanimous decision to send the Dallas Crown issue to the Board of Adjustments for termination of their non-conforming use status. In March of 2006, the Board of Adjustments voted to order Dallas Crown closed, but the plant was able to tie the enforcement up in the courts until they were finally closed under state law in February of 2007.

Dallas Crown repeatedly described itself as a "good corporate citizen." I will be straightforward in asserting that they are the very antithesis of such.

- Dallas Crown had a very long history of violations to their industrial waste permit, 'loading' the capacity of the wastewater treatment plant.
- Dallas Crown denied the City access to their property for wastewater testing beginning October 1, 2004 until July 6, 2005, despite requirement by city ordinance, city permit agreement, and court order.
- City staff reported that a \$6 million upgrade to our wastewater treatment plant would be required even though the plant was planned and financed to last through 2015.
- Odor problems resulting from the outside storage of offal and hides over several days persisted not only in traditionally African-American neighborhood known as "Boggy Bottom", but at the nearby Presbyterian Hospital, the daycare center, and surrounding areas.
- Transport of offal and fresh hides on City and state thoroughfares is conducted in leaking containers without covers.
- City documents reveal an extended history of efforts to have Dallas Crown address various environmental issues. Reports include descriptive language including such as "blood flowing east and west in the ditches from your plant," "It has been over 45 days [it had been 59 days] and no apparent cleanup has occurred," "Your system has not improved and subsequently it has gotten a lot worse," "Words cannot express the seriousness" of recent violations and the "adverse effects on the wastewater treatment plant," and "Please be sure trailers are secured before leaving your premises to prevent spills," noting also "bones and blood laying in front of the facility," problems with bones and parts in neighboring yards and the attraction of "dogs and other animals."
- In response to 29 citations for wastewater violations, each accompanied by a potential fine of \$2,000, Dallas Crown requested 29 separate jury trials, potentially causing yet another economic strain to the City's budget. We could, of course, not afford to litigate in order to extract the fines
- Dallas Crown took 11 months to submit a mandatory "sludge control plan" to assist efficient operation of the wastewater treatment plant though City staff requested it orally and in writing many times.
- The City Manager advised me that the City would have to spend \$70,000 in legal fees because of Dallas Crown problems, which was the entire legal budget for the fiscal year.
- During this period, Dallas Crown paid property taxes that were less than half of what the City spent on legal fees directly related to Dallas Crown violations.
- Generally, Dallas Crown has the economic ability to prevail, to exceed the constraints of the City's budget.

Dallas Crown had a negative effect on the development of surrounding properties, and a horse slaughter plant is a stigma to the development of our city generally. I have since learned that these problems were mirrored at the other two plants. Fort Worth's Beltex horse slaughter plant also violated Ft. Worth's wastewater regulations several times,

clogged sewer lines, and both spilled and pumped blood into a nearby creek (San Antonio Current, June 19, 2003 ). Texas state Rep. Lon Burnam, D-Fort Worth, whose district includes Beltex, and Rep. Toby Goodman, R-Arlington, fought hard against legislation that would have legalized horse slaughter in Texas in 2003.

The horse slaughter plant in DeKalb , IL had a similar pattern. It was destroyed by fire in 2002, and rebuilt in 2004. It was charged and fined by the DeKalb Sanitary District almost every month from the reopening until its closing in 2007 under a new state law for consistently exceeding wastewater discharge guidelines. I can provide you with the documentation of those violations. Like Dallas Crown, Cavel refused to pay their fines for years.

During this time, I learned that an estimated \$5 million in Federal funding was being spent annually to support three foreign-owned horse slaughter plants! And when the Dallas Crown tax records were exposed in the city's legal struggle, we found that they had paid only \$5 in federal taxes on a gross income of over \$12,000,000!

More over, the parent company of Cavel has since moved its operations to Canada and continued to slaughter American horses. In Canada they have apparently become even more blatant, dumping huge untreated piles of entrails onto open ground and even using a tanker truck to discharge blood and refuse into a local river.

I have mentioned only the pollution issue, but this is but one negative aspect of horse slaughter. I have subsequently learned of a USDA document containing 900 pages of graphic photos that show the horrors that the horses were subject to. Behind the privacy fences of these plants, trucks arrived continuously and on those trucks was every form of inhumane violation one can imagine from mares birthing foals to horses with eyes dangling from their sockets and legs ripped from their bodies.

The more I learn about horse slaughter, the more certain I am: There is no justification for horse slaughter in this country. My city was little more than a door mat for a foreign-owned business that drained our resources, thwarted economic development and stigmatized our community. Americans don't eat horses, and we don't raise them for human consumption. There is no justification for spending American tax dollars to support this industry at the expense of Americans and our horses.

Sincerely,

Former Mayor Paula Bacon  
Kaufman, TX  
972-782-2774 home  
325-665-2043 cell





DALLAS CROWN, INC.

Form 1120 (2004)

Page:

**Cost of Goods Sold** (See page 14 of instructions.)

1	Inventory at beginning of year	1	299040
2	Purchases	2	7750759
3	Cost of labor	3	
4	Additional section 263A costs (attach schedule)	4	
5	Other costs (attach schedule)	5	
6	Total. Add lines 1 through 5	6	8009759
7	Inventory at end of year	7	229578
8	Cost of goods sold. Subtract line 7 from line 6. Enter here and on page 1, line 2	8	7786181

**Check all methods used for valuing closing inventory:**

- (i) ☒ Cost as prescribed in Regulations section 1.471-3  
 (ii) ☐ Lower of cost or market as described in Regulations section 1.471-4  
 (iii) ☐ Other (Specify method used and attach explanation.)

b Check if there were a withdrawal of substantial goods as described in Regulations section 1.471-2(c)

c Check if the LIFO inventory method was adopted this tax year for any goods (if checked, attach Form 970)

d If the LIFO inventory method was used for this tax year, enter percentage (or amounts) of closing

inventory computed under LIFO

e If property is produced or acquired for resale, do the rules of section 263A apply to the corporation? ☐ Yes ☒ No

f Was there any change in determining quantities, cost, or valuations between opening and closing inventory? If "Yes,"

attach explanation ☐ Yes ☒ No**Dividends and Special Deductions** (See instructions beginning on page 14)

	(a) Dividends received	(b) %	(c) Special deductions (a) X (b)
1 Dividends from less-than-20%-owned domestic corporations that are subject to the 70% deduction (other than debt-financed stock)		70	
2 Dividends from 20%-or-more-owned domestic corporations that are subject to the 80% deduction (other than debt-financed stock)		80	
3 Dividends on debt-financed stock of domestic and foreign corporations (section 246(c))		42	
4 Dividends on certain preferred stock of less-than-20%-owned public utilities		48	
5 Dividends on certain preferred stock of 20%-or-more-owned public utilities		70	
6 Dividends from less-than-20%-owned foreign corporations and certain FSCs that are subject to the 70% deduction		80	
7 Dividends from 20%-or-more-owned foreign corporations and certain FSCs that are subject to the 80% deduction		100	
8 Dividends from wholly-owned foreign corporations subject to the 70% deduction (section 246(c))		100	
9 Total. Add lines 1 through 8. See page 16 of instructions for limitation			
10 Dividends from domestic corporations received by a small business investment company operating under the Small Business Investment Act of 1980		100	
11 Dividends from qualified group term life insurance FSCs that are subject to the 100% deduction		85	
12 Dividends from controlled foreign corporations not included on lines 3, 6, 7, 8, or 11			
13 Other dividends from foreign corporations not included on lines 3, 6, 7, 8, or 11			
14 Income from controlled foreign corporations under subpart F (attach Form 960)			
15 Foreign dividend gross-up (section 78)			
16 EC-DISC and former DISC dividends not included on lines 1, 2, or 3 (section 246(c))			
17 Other dividends			
18 Deduction for dividends paid on certain preferred stock of public utilities			
19 Total dividends. Add lines 1 through 17. Enter here and on page 1, line 4.			
20 Total special deductions. Add lines 9, 10, 11, 12, and 18. Enter here and on page 1, line 20b.			

**Compensation of Officers** (See instructions for line 12, page 1, on page 10 of instructions)

Note: Complete Schedule E only if total receipts (line 1a plus lines 4 through 10 on page 1) are \$500,000 or more.

(a) Name of officer	(b) Social security number	(c) Percent of ownership in corporation	(d) Compensation	(e) Dividends	(f) Total compensation
CHRISTOPHER SOEVEN		100.00%			84503
OLIVER KEMSEKE		100.00%			20027

Total compensation of officers

Compensation of officers claimed on Schedule A and elsewhere on return

Subtract line 3 from line 2. Enter result here and on page 1, line 12

Print (or 2004) TAXSLAYER

Crown 0051

Form 1120 (2004)

Form 1120 (2004) DALLAS CROWN, INC.

Page

Note: The preparer is not required to complete Schedules L, M-1 and M-2 if Question 13 on Schedule K is answered "No."

	Beginning of tax year		End of tax year	
	(a)	(b)	(c)	(d)
<b>Balance Sheets per Books</b>				
<b>Assets</b>				
1 Cash		105255		298
2a Trade notes and accounts receivable	426369		443268	
b Less allowance for bad debts		426369		443268
3 Inventories		239040		229578
4 U.S. government obligations				
5 Tax exempt securities (see instructions)		25463		94617
6 Other current assets (attach schedule)				
7 Loans to stockholders				
8 Mortgage and real estate loans				
9 Other investments (attach schedule)			836336	
10a Buildings and other depreciable assets	783396			111578
b Less accumulated depreciation	643043	140313	924758	
11a Depreciable assets				
b Less accumulated depreciation				
12 Land (net of any amortization)				
13a Intangible assets (amortizable only)				
b Less accumulated amortization		4296		
14 Other assets (attach schedule)		1000716		882028
15 Total assets				
<b>Liabilities and Stockholders' Equity</b>				
16 Accounts payable		504282		528923
17 Mortgages, notes, bonds payable in less than 1 year		26807		18049
18 Other current liabilities (attach schedule)		138226		7634
19 Long-term debt				
20 Mortgages, notes, bonds payable in 1 year or more				
21 Other liabilities (attach schedule)				
22 Capital stock: a Preferred stock		25000	25000	25000
b Common stock	25000			
23 Additional paid-in capital				
24 Retained earnings—accumulated (attach schedule)		306401		302372
25 Retained earnings—unappropriated				
26 Adjustments to stockholders' equity (attach schedule)				
27 Less cost of treasury stock				
28 Total liabilities and stockholders' equity		1000716		882028

Reconciliation of Income (Loss) per Books With Income per Return (see page 20 of instructions.)			
1 Net income (loss) per books	-4029	7 Income reported on books this year not included on this return (see instructions):	
2 Federal income tax per books		a Tax-exempt interest \$	
3 Excess of capital losses over capital gains		b Deductions on this return not charged against book income this year (see instructions):	
4 Income subject to tax not recorded on books this year (see instructions)		a Depreciation \$	
5 Expenses reported on books this year not deducted on this return (see instructions):		b Contributions carryover \$	
a Depreciation \$			
b Charitable contributions \$ 1385			
c Travel and entertainment \$ 2750			
	4055	9 Add lines 7 and 8	
Add lines 1 through 4	31	10 Income (line 28, page 1) less line 9	32

Analysis of Unappropriated Retained Earnings per Books (Line 25, Schedule L)			
Balance at beginning of year	306401	6 Distributions: a Cash	
Net income (loss) per books	-4029	b Stock	
(See instructions for details)		c Property	
		8 Other deductions (see instructions)	
		9 Add lines 6 and 8	
Add lines 1, 2, and 9	302372	10 Balance at end of year (line 4 less line 9)	302372

Form 1120 (2004) TAXPAYER.

Form 1120 (2004)

FORM 1120

**X-1**

- (2) Addenda 3% tax (not more than \$100,000)

- 10 Other tests. Check if tick:

- CONFIDENTIAL

0: If it is a corporation, at any time during the 12-month

- 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

properly classified (other than cost) made during the  
year: \$

# Fax

AD  
opponent

Date: February 12, 2009  
To: ~~Agriculture Committee, State of Montana~~  
Fax: 406-444-4825  
From: Karla J. Fischer  
Fax: 516-868-6532  
Pages: 1  
Subject: **\*\*URGENT\*\*** H.B. 418 - Opening of Horse Slaughter Facility

*Rep. Jopek*

Dear Agriculture Committee,

I am sorry there is not enough time to address each of you personally, but I hope you will all accept and consider this message as you deliberate the passage of H.B. 418.

Representative Butcher describes slaughter to a reporter as "*Boom! The horse is [dead].*" This is far from true. The captive bolt does not typically "hit the target" and there is nothing quick about the repeated attempts to render the horse unconscious.

Horse slaughter is torturous and cruel and only benefits foreign investors who operate these slaughterhouses to provide horse meat to foreign countries where it is considered a delicacy.

Horse slaughter has been a blight to the communities where slaughtering facilities have been located, with significant negative impacts to the communities, ranging from nuisance odors to chronic sewer and environmental violations. Opening a slaughterhouse is a national issue and impacts every horse owner in America as it has been found to increase and abet horse theft.

The existence of a slaughterhouse encourages over-breeding since the breeders now have a convenient place to dispose of their unwanted animals and profit by doing so. American horses are not raised, fed or medicated within FDA guidelines established for food animals, making them potentially unfit and unsafe for human consumption.

America's horses are an icon of our history, tradition and culture, revered for their contributions to the building of this country.

When I picture Montana, I see it filled with horses, full of life, not hanging by their hind legs with their throats slashed.

Please vote NO on H.B. 418.

From the desk of...

Karla J. Fischer  
572 Stowe Ave  
Baldwin, NY 11510-1628

**80-5-120. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

- (1) "Advertisement" means a representation, other than a representation on the label, that is disseminated by any means and that relates to seed governed by the provisions of this chapter.
- (2) "Agricultural seeds" means the seeds of grass, forage, cereal, fiber crops, and any other kinds of seeds commonly recognized within this state as agricultural seeds. The term includes lawn seeds and mixtures of seeds.
- (3) "Approximate percentage" and "approximate number" mean the percentage or number with the variations above and below that value as allowed according to the tolerance limits defined in the rules for seed testing adopted by the association of official seed analysts.
- (4) "Bulk" means not packaged in separate units.
- (5) "Certifying agency" means:
  - (a) an agency authorized under the laws of a state, territory, or possession of the United States to officially certify seed and that has standards and procedures to ensure the genetic purity and identity of the seed certified; or
  - (b) an agency of a foreign country determined by the department to adhere to procedures and standards for seed certification that are comparable to those adhered to generally by the seed certifying agencies described in subsection (5)(a).
- (6) "Conditioning" means drying, cleaning, scarifying, and other operations that could change the purity or germination of a seed and require the seed lot to be retested to determine labeling.
- (7) "Controlling the pollination" means to use a method of hybridization that will produce pure seed that is at least 75% hybrid seed.
- (8) "Dormant" means viable seeds, excluding hard seeds, that fail to germinate when provided the specified germination conditions for the seed in question.
- (9) "Flower seeds" means seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and that are commonly known and sold under the name of flower seeds in this state.
- (10) "Genuine grower declaration" means a statement signed by the grower that indicates, for each lot of seed, the lot number, kind, variety, origin, weight, year of production, date, and destination of shipment.
- (11) "Germination" means the emergence and development from the seed embryo as evidence of vitality when the seeds are subjected to the proper moisture and temperature conditions with proper aeration for the customary length of time for each specific kind of seed, as specified in the rules for seed testing adopted by the association of official seed analysts.
- (12) "Hard seeds" means seeds that remain hard at the end of the prescribed test period because they have not absorbed water because of an impermeable seed coat.

(13) "Hybrid", as the term applies to varieties of seed, means the first generation seed of a cross produced by controlling the pollination and by combining:

- (a) two or more inbred lines;
- (b) one inbred or a single cross with an open pollinated variety; or
- (c) two or more selected clones, seed lines, varieties, or species except open-pollinated varieties of corn (*Zea mays*). The second generation of subsequent generations from those crosses may not be regarded as hybrids. Hybrid designations must be treated as variety names.

(14) "Indigenous seeds" means the seeds of those plants that are naturally adapted to an area where the intended use is for revegetation of disturbed sites. These plants include grasses, forbs, shrubs, and legumes.

(15) "Inert matter" means all matter that is not seed, including broken seeds, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by the association of official seed analysts.

(16) "Kind" means one or more related species or subspecies that are known singly or collectively by one common name, such as corn, oats, alfalfa, and timothy.

(17) "Labeling" means a tag or other device, attached to or written, stamped, or printed on a container or accompanying a lot of bulk seeds, that purports to set forth the information required on the seed label under 80-5-123 and that may include any other information relating to the labeled seed.

(18) "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion of which is uniform within recognized tolerances for the factors that appear in the labeling.

(19) "Mixture" means seed consisting of more than one kind, each in excess of 5% by weight of the whole.

(20) "Montana certified seed grower" means a member of an authorized Montana seed certifying agency who has consented to produce seed under the rules for certified classes of seed, with respect to the maintenance of genetic purity and variety identity, set forth by the establishing agency.

(21) "Other crop seeds" means any agricultural, vegetable, or flower seeds other than the kind or variety of seed or the mixture of seeds included as pure seed.

(22) "Person" means an individual, firm, partnership, corporation, or association.

(23) "Prohibited noxious weed seeds" means the seeds of plant species that are designated as noxious weeds as defined in 7-22-2101(8)(a)(i).

(24) "Protected variety" means a variety for which a certificate has been issued by the United States plant variety protection office or for which an application for protection has been filed granting the owner or the owner's authorized agent exclusive rights in the sale and distribution of the variety.

(25) "Pure live seed" means the product of the percentage of germination plus hard seed or dormant seed multiplied by the percentage of pure seed, divided by 100, with the result expressed as a whole number.

(26) "Pure seed" means seed exclusive of inert matter and all other seeds not of the seed being considered, as determined by methods defined by the association of official seed analysts.

(27) "Restricted weed seeds" means the seeds of any plant that may adversely affect agriculture or the environment and that are designated as restricted weed seeds under rules adopted by the department.

(28) "Screening" means chaff, sterile florets, immature seed, weed seed, inert matter, and any other materials removed from seed by any kind of cleaning or conditioning.

(29) "Seed conditioning plant" means a place of business, whether a permanent or portable facility, that conditions seeds.

(30) "Seed dealer" means a person who sells seeds.

(31) "Seed labeler" means a person affixing labels to seeds, with that person's name, address, and other information as required in 80-5-123.

(32) "Sell" means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade. The term includes furnishing agricultural seed to growers for the production of a crop on contract.

(33) "Stop sale" means an administrative order provided by law that restrains the sale, use, disposition, and movement of a definite amount of seed.

(34) "Treated" means that seed has received an application of a substance or has been subjected to a process for which a claim is made.

(35) "Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(36) "Variety" means a subdivision of a kind that is:

(a) distinct, in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties known publicly;

(b) uniform, in the sense that the variations in essential and distinctive characteristics are describable; and

(c) stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

(37) "Vegetable seeds" means seeds of those crops that are or may be grown in gardens or on truck farms and are or may be sold generally under the name of vegetable seeds or herbs.

(38) "Viable" means that seeds are capable of producing a normal seedling under optimum growing conditions after all forms of dormancy have been overcome, if present.

(39) "Weed seeds" means the seeds of all plants generally recognized as weeds within this state and includes noxious weed seeds.

History: En. Sec. 1, Ch. 373, L. 1987; amd. Sec. 3, Ch. 345, L. 1999; amd. Sec. 19, Ch. 407, L. 2001.

#### **Compiler's Comments:**

*2001 Amendment:* Chapter 407 in definition of prohibited noxious weed seeds at end substituted "as defined in 7-22-2101(8)(a)(i)" for "under 7-22-2101(7)(a)(i)"; and made minor changes in style.



Amendment effective July 1, 2001.

**1999 Amendment:** Chapter 345 inserted definitions of advertisement, bulk, conditioning, dormant, genuine grower declaration, germination, hard seeds, inert matter, kind, lot, mixture, pure live seed, pure seed, stop sale, treated, type, variety, and viable; deleted definition of bin-run seed sales that read: "'Bin-run seed sales" means seed sales from one farmer to another farmer with seeds sold "as is", without guaranty or analysis"; in definition of controlling the pollination deleted former second sentence that read: "Hybrid designations must be treated as variety names"; in definition of hybrid at end of first sentence in (c) inserted exception clause and inserted second and third sentences prohibiting hybrid destination of crosses of second generation of subsequent generations and requiring that hybrid designation be treated as variety names; substituted definition of labeling for former definition that read: "'Labeling" means to affix, before offering the seed for sale, on the exterior of the container in a conspicuous place a label written or printed in the English language that has not been altered, giving the information required under this chapter"; deleted former definition of name of the state in which the seed was grown that read: "'Name of the state in which the seed was grown" means any of the several states of the United States or a foreign country"; deleted former definition of percentage of germination that read: "'Percentage of germination" means the percentage of seeds that show normal sprouts as evidence of vitality when the seeds are subjected to the proper moisture and temperature conditions with proper aeration for the customary length of time for each specific kind of seed, as specified in the rules for seed testing adopted by the association of official seed analysts"; deleted former definition of percentage viability that read: "'Percentage viability" means the percentage of live seed capable of producing a normal seedling under optimum growing conditions, after all forms of dormancy have been overcome, if present"; in definition of prohibited noxious weed seeds after "seeds of" substituted "plant species designated as noxious weeds under 7-22-2101(7)(a)(i)" for former text that read: "perennial plants that not only reproduce by seed but also may spread by underground roots, stems, and other reproductive parts and that, when well established, are highly destructive and difficult to control in this state by ordinary good cultural practice. Prohibited noxious weed seeds include the seeds of:

- (a) leafy spurge (*Euphorbia esula*);
- (b) Russian knapweed (*Centaurea repens*); and
- (c) plants that are designated by rule of the department as prohibited noxious weeds"; substituted "Restricted weed seeds" for "Restricted noxious weed seeds", after "seeds" deleted "and bulbets", after "plant" inserted "that may adversely affect agriculture or the environment and that are", and deleted former provisions that read: "The term includes the seeds of:

- (a) spotted knapweed (*Centaurea maculosa*); and
- (b) dyers woad (*Isatis tinctoria*)"; in definition of seed conditioning plant after "business" inserted "whether a permanent or portable facility" and substituted "that conditions seeds" for "that repackages, conditions, blends, treats, or otherwise manipulates agricultural seeds"; in definition of seed dealer substituted "a person who sells seeds" for "any person who offers for sale, sells, or barter agricultural seeds"; in definition of seed labeler after "labels to" deleted "agricultural" and substituted "required in 80-5-123" for "required in 80-5-102, when such seed is distributed in Montana"; in definition of vegetable seeds at end inserted "or herbs"; in definition of weed seeds after "seeds" deleted "or bulbets"; and made minor changes in style. Amendment effective July 1, 1999.

**1987 Statement of Intent:** The statement of intent attached to Ch. 373, L. 1987, provided: "This bill requires a statement of intent because section 1 [80-5-120] and 80-5-105 [renumbered 80-5-134], as amended, require the department of agriculture to adopt rules defining noxious weed seeds.

It is the intent of the legislature that the department establish rules for prohibited or restricted noxious weed seeds for the purpose of implementing Title 80, chapter 7, part 8, and Title 7, chapter 22, part 21. The legislature intends that noxious weed seeds be classified into two categories, prohibited noxious weed seeds and restricted noxious weed seeds. The characteristics of the two categories are as follows:

(1) "Prohibited noxious weed seeds" means seeds of perennial plants that not only reproduce by seed but also may spread by underground roots, stems, and other reproductive parts and which, when well established, are highly destructive and difficult to control in this state by ordinary good cultural practice.

(2) "Restricted noxious weed seeds" are seeds of weeds that are very objectionable in fields, lawns, and gardens of this state that can be controlled by good cultural practices.

The legislature intends that seeds designated as noxious weed seeds under current statutes need not be identical to seeds classified as noxious weed seeds under rules adopted by the department. However,

the department shall include the seeds of leafy spurge and Russian knapweed in the prohibited noxious weed seeds category. In addition, the department shall designate the seeds of spotted knapweed and dyers woad as restricted noxious weed seeds. Thus, except as otherwise provided under this act, the Montana department of agriculture shall determine which noxious weed seeds must be prohibited and which noxious weed seeds should be restricted and at what levels."

**80-5-121. Renumbered 80-5-133.** Code Commissioner, 1999.

**80-5-122. Renumbered 80-5-138.** Code Commissioner, 1999.

**80-5-123. Label requirements for agricultural, vegetable, flower, and indigenous seeds.** (1) Each container of agricultural, vegetable, flower, and indigenous seeds sold in this state for sowing purposes must bear a conspicuous, unaltered label or tag, plainly written or printed in English. Bulk sales must be accompanied by the required label information, which must be given to the seed purchaser. The following information, which may not be modified or denied in the labeling or on another label attached to the container, must be included on a label:

- (a) name and address of the seed labeler;
- (b) lot number identification;
- (c) germination rate and date of germination test or a notation of the year for which the seed was packaged for sale;
- (d) state or country of origin;
- (e) notice calling attention to the requirement for alternative dispute resolution under 80-5-501; and
- (f) seed kind or variety. The department shall establish rules specifying the kinds of seed for which variety must be stated and the kinds of seeds for which the variety may be stated and when the words "variety not stated" may be used. Kinds of seeds not listed by department rule may be stated as kind only or as kind and variety.

(2) In addition to the required label information listed in subsection (1), the department shall establish by rule additional label requirements for agricultural seed, including grass, lawn, and turf seed, and for vegetable, flower, and indigenous seeds. The additional label requirements may include:

- (a) percentage of kind or variety of each seed component present in a container;
- (b) percentage of weed seed present, both restricted and common weed seed;
- (c) amount of inert material present;
- (d) warnings for treated seed; and
- (e) requirements for coated seed, inoculated seed, seed that is below standard, seed sold in bulk, hybrid seed, seed mixtures, and seed in containers, mats, tapes, and other planting devices.

History: En. Sec. 11, Ch. 345, L. 1999; amd. Sec. 12, Ch. 567, L. 2001.

**Compiler's Comments:**

*2001 Amendment:* Chapter 567 inserted (1)(e) requiring label notification of the requirement for alternative dispute resolution; and made minor changes in style. Amendment effective October 1, 2001.

*Saving Clause:* Section 14, Ch. 567, L. 2001, was a saving clause.

*Effective Date:* Section 18, Ch. 345, L. 1999, provided that this section is effective July 1, 1999.

**Administrative Rules:**

ARM 4.12.3002 Seed handling procedures for seed conditioning plants.

**80-5-124. Exemptions.** (1) The labeling requirements in 80-5-123 and the prohibitions in 80-5-134 do not apply to:

- (a) seed or grain that is not intended for sowing purposes;
- (b) seed in storage in or being transported or consigned to a cleaning or processing establishment for cleaning or processing if:
  - (i) the invoice or labeling accompanying that seed bears the statement "seeds for processing"; and
  - (ii) any labeling or representation made with respect to the uncleaned or unprocessed seed is subject to this chapter; and
- (c) a carrier in respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier, as long as the carrier is not engaged in producing, processing, or marketing seed that is subject to the provisions of this chapter.

(2) A person is not subject to the penalties in 80-5-136 for selling or offering for sale seeds subject to the provisions of this chapter that were incorrectly labeled or represented as to kind, species and subspecies (if appropriate), variety, type, origin, elevation, or year of collection (if required) when the seed cannot be identified by examination, unless the person has failed to obtain an invoice, genuine grower declaration, or other labeling information and has failed to take reasonable precautions to ensure the identity of the seeds. A genuine grower declaration of variety is considered an affirmation that the grower holds records of proof regarding parent seed, such as invoices and labels.

History: En. Sec. 14, Ch. 345, L. 1999.

**Compiler's Comments:**

*Effective Date:* Section 18, Ch. 345, L. 1999, provided that this section is effective July 1, 1999.

**80-5-125. Exchange of seed between labelers.** (1) When seed is exchanged or transferred from one seed labeler to another, it shall be accompanied by a shipping document which clearly shows the kind(s) of seed and quantity of each kind. Each container of seed in a lot shall carry a lot number designation.

(2) While seed is in the possession of a licensed seed labeler, it must carry a lot number on each container at all times. When seed is made available for sale or sold, a complete label must be attached to each container of a lot.

History: En. Sec. 2, Ch. 361, L. 1969; amd. Sec. 2, Ch. 390, L. 1973; amd. Sec. 10, Ch. 13, L. 1977; R.C.M. 1947, 3-802.2(2); amd. Sec. 3, Ch. 373, L. 1987; Sec. 80-5-103, MCA 1997; reded. 80-5-125 by Code Commissioner, 1999.

**Compiler's Comments:**

*1987 Amendment:* In second sentence of (1), after "container", inserted "of seed", after "carry" deleted "appropriate", and after "designation" deleted "and shall be accompanied by mechanical analysis for each lot so involved"; and inserted (2) requiring a lot number and a complete label.

**80-5-126. Analysis by seed laboratory -- reports.** The seed laboratory of the agricultural experiment station shall analyze and test seeds sold or offered or exposed for sale in this state at a time and place and to the extent the director of the agricultural experiment station and the department determine. The laboratory shall report to the department all violations as they appear. It may also annually before September 1 make a report to the department of all tests made and the results, which may be published by the department.

History: En. Sec. 5, Ch. 12, L. 1913; re-en. Sec. 3597, R.C.M. 1921; re-en. Sec. 3597, R.C.M. 1935; amd. Sec. 6, Ch. 88, L. 1939; amd. Sec. 3, Ch. 155, L. 1951; amd. Sec. 42, Ch. 218, L. 1974; amd. Sec. 13, Ch. 13, L. 1977; R.C.M. 1947, 3-805(1); amd. Sec. 7, Ch. 373, L. 1987; Sec. 80-5-108, MCA 1997; reded. 80-5-126 by Code Commissioner, 1999.

**Compiler's Comments:**

*1987 Amendment:* Near beginning changed name to "seed laboratory" from "grain and seed laboratory"; deleted requirement to "inspect" seeds; in third sentence made the annual report discretionary rather than mandatory; and deleted former last two sentences that read: "The laboratory and the department shall have free access at all reasonable hours to all premises or structures to make examination of any seeds or any other premises of a warehouse, elevator, or railway company. Upon tendering payment at the current value, the department may take any sample of seeds."

**Cross References:**

Rules for enforcement of interstate embargo, including inspection provisions, 80-7-702.

**Administrative Rules:**

ARM 4.12.3402 Seed laboratory analysis fees.

**Collateral References:**

Inspection key 4, 5.

3 Am. Jur. 2d Agriculture §§ 52, 53, 55.

**80-5-127. Testing of submitted samples.** The seed laboratory shall analyze any official seed samples taken from seed lots offered for sale in the state or submitted by the department, using methods such as those established under the Federal Seed Act and the procedural guidelines developed by the association of official seed analysts.

History: En. 3-806.1 by Sec. 4, Ch. 390, L. 1973; R.C.M. 1947, 3-806.1; amd. Sec. 8, Ch. 373, L. 1987; Sec. 80-5-109, MCA 1997; redes. 80-5-127 by Code Commissioner, 1999.

**Compiler's Comments:**

*1987 Amendment:* At beginning of section, after "The", deleted "grain and"; after "analyze any" inserted "official"; and at end of section, after "department", inserted language relating to Federal Seed Act and procedural guidelines.

**80-5-128. Laboratory testing of samples -- fees.** Any citizen of this state may request the seed laboratory to examine, analyze, and test samples of seed upon payment of the fee and compliance with rules governing the submission of seed samples for that service. Samples of seed analyzed and tested must be charged for at rates established by rule of the department as recommended by the agricultural experiment station. All fees collected by the seed laboratory must be used to defray the expenses incurred by the laboratory under this chapter.

History: En. Sec. 7, Ch. 12, L. 1913; re-en. Sec. 3599, R.C.M. 1921; re-en. Sec. 3599, R.C.M. 1935; amd. Sec. 2, Ch. 192, L. 1937; amd. Sec. 8, Ch. 88, L. 1939; amd. Sec. 1, Ch. 85, L. 1949; amd. Sec. 4, Ch. 155, L. 1951; amd. Sec. 5, Ch. 390, L. 1973; amd. Sec. 14, Ch. 13, L. 1977; R.C.M. 1947, 3-807; amd. Sec. 9, Ch. 373, L. 1987; amd. Sec. 2, Ch. 345, L. 1999; Sec. 80-5-110, MCA 1997; redes. 80-5-128 by Code Commissioner, 1999.

**Compiler's Comments:**

*1999 Amendment:* Chapter 345 at end of third sentence after "under" substituted "this chapter" for "80-5-102 through 80-5-105 and 80-5-107 through 80-5-113"; and made minor changes in style. Amendment effective July 1, 1999.

*1987 Amendment:* In first sentence, after "request the", deleted "grain and"; in second sentence, after "rates", substituted "established by rule of the department as recommended by the agricultural experiment station" for "determined jointly by the department and the director of the grain and seed laboratory"; and in third sentence, after "collected by the", deleted "grain and" and at end, after "under", changed "80-5-101" to "80-5-102".

**Administrative Rules:**

ARM 4.12.3402 Seed laboratory analysis fees.

**80-5-129. Certificate of test presumptive evidence.** The certificate of the seed laboratory, giving results of any examinations, analyses, or tests of any seed samples made under the authority of the department, is presumptive evidence of the correctness of the facts stated in it.

History: En. Sec. 8, Ch. 12, L. 1913; re-en. Sec. 3600, R.C.M. 1921; re-en. Sec. 3600, R.C.M. 1935; amd. Sec. 9, Ch. 88, L. 1939; amd. Sec. 6, Ch. 390, L. 1973; R.C.M. 1947, 3-808; amd. Sec. 10, Ch. 373, L. 1987; Sec. 80-5-111, MCA 1997; redes. 80-5-129 by Code Commissioner, 1999.

**Compiler's Comments:**

*1987 Amendment:* Near beginning of section, before "seed laboratory", deleted "grain and".

**80-5-130. Licensing -- application -- fee.** (1) All facilities located in the state that condition agricultural seed shall obtain a license from the department for each facility. However, a seed grower, when conditioning only seed from that grower's own production, is not required to be licensed under this part.

(2) Each seed conditioning plant shall post in a conspicuous location in the facility:

- (a) its fees for conditioning services; and
- (b) the license for the facility.

(3) A person whose name and address appear on the label of agricultural seed sold in Montana, as required by 80-5-123, shall obtain a seed labeler's license from the department before doing business in Montana. The following persons, however, are excluded from the licensing requirements under this subsection:

- (a) a Montana certified seed grower when labeling certified seed from that grower's own production;
- (b) any person who updates germination test data by affixing to the package of seed a supplemental label bearing new germination data, the lot number, and the person's name and address; or
- (c) a Montana grower who labels seed only of that grower's own production with a gross annual sales value of \$5,000 or less.

(4) A person who sells agricultural seed in Montana shall obtain a seed dealer's license from the department for each place where seed is located or sold, except for:

- (a) a person who sells seed only in sealed packages of 10 pounds or less;
- (b) a person who sells seed that has a gross sales value of \$1,000 or less a year;
- (c) a person who sells seed only to a Montana-licensed seed dealer, labeler, or conditioner; or
- (d) a Montana grower selling only seed of that grower's own production with a gross annual sales value of \$5,000 or less.

(5) (a) Except as provided in this subsection (5), the fee is \$55 a year for each type of license. The department may by rule adjust the license fee by type of license to maintain adequate funding for the administration of this part. The fee may not be less than \$55 a year or more than \$75 a year.

(b) Except as provided in this subsection (5)(b), the license fee for an out-of-state person selling seed in Montana is \$110 a year. The department may by rule adjust the license fee to maintain adequate funding for the administration of this part. The fee may not be less than \$110 a year or more than \$150 a year.

(c) Except as provided in this subsection (5)(c), the license fee for a Montana grower who sells, labels, or sells and labels only seed of that grower's own production is \$55 a year. The department may by rule adjust the license fee to maintain adequate funding for the administration of this part. The fee may not be less than \$55 a year or more than \$75 a year.

(6) An application for a license under this section must be made in a manner and on forms provided by the department. The application must contain:

- (a) the location of each seed conditioning plant if the application is for a seed conditioning plant license;
- (b) a sample label if the application is for a seed labeler license; and
- (c) a list of persons selling seed if required by department rule.

(7) Seed dealers shall provide with all shipments of agricultural seed a bill of lading or other evidence of delivery that includes:

- (a) the names of:
  - (i) the seed dealer;
  - (ii) the shipper, if other than the seed dealer;
  - (iii) the buyer; and
  - (iv) the receiver, if other than the buyer; and
- (b) the destination where the seed will be first unloaded.

History: En. Sec. 2, Ch. 442, L. 1973; amd. Sec. 2, Ch. 315, L. 1977; R.C.M. 1947, 3-311; amd. Sec. 7, Ch. 20, L. 1979; amd. Sec. 7, Ch. 464, L. 1983; amd. Sec. 73, Ch. 539, L. 1983; amd. Sec. 13, Ch. 373, L. 1987; amd. Sec. 2, Ch. 446, L. 1989; amd. Sec. 5, Ch. 345, L. 1999; Sec. 80-5-202, MCA 1997; reds. 80-5-130 by Code Commissioner, 1999; amd. Sec. 1, Ch. 263, L. 2003.

**Compiler's Comments:**

*2003 Amendment:* Chapter 263 in (5)(a) substituted "Except as provided in this subsection (5), the fee is \$55 a year for each type of license. The department may by rule adjust the license fee by type of license

to maintain adequate funding for the administration of this part. The fee may not be less than \$55 a year or more than \$75 a year" for "Each type of license for an in-state person costs \$50 a year"; in (5)(b) at beginning of first sentence inserted exception clause and at end increased license fee from \$100 to \$110, inserted second sentence allowing the department to adjust the fee by rule and inserted third sentence concerning minimum and maximum fee; deleted former (5)(c) and (5)(d) that read: "(c) The license fee for an out-of-state person who labels seed that is being sold in Montana is \$50 a year.

(d) The license fee for a person who sells only lawn and turf grass seed is \$50 a year"; in (5)(c) at beginning of first sentence inserted exception clause, near middle after "labels" inserted "or sells and labels", and at end increased license fee from \$50 to \$55, inserted second sentence allowing the department to adjust the fee by rule, and inserted third sentence concerning minimum and maximum fee; and made minor changes in style. Amendment effective April 9, 2003.

*1999 Amendment:* Chapter 345 at beginning of (1) substituted "facilities located in the state that condition agricultural seed" for "seed conditioning plants" and after "each" deleted "plant before doing business in this state"; at beginning of (3) substituted current language regarding name and address on seed label for "All seed labelers and growers who labor or affix written claims to their seed"; inserted (3)(c) excluding Montana grower labeling seeds of labeler's own production with gross annual sales value of \$5,000 or less from licensing requirements; in (4)(b) substituted current language regarding gross sales value of \$1,000 or less a year for "a Montana certified seed grower when selling certified seed from his own production"; in (4)(c) substituted "a person selling seed only to a Montana-licensed seed dealer, labeler, or conditioner" for "a grain producer when making bin-run seed sales"; inserted (4)(d) excluding Montana grower selling own production with gross annual sales value of \$5,000 or less from licensing requirements; deleted former (5) that read: "(5) Each person selling seed from a location other than the licensed place must be listed on the application for license"; deleted former (6) that read: "(6) The department shall set by rule the period for which a license is issued under this section"; deleted former (7) that read: "(7) The department may establish by rule minimum standards for equipment and handling procedures for facilities to be licensed"; in former (8) deleted second and third sentences that read: "The fee must include the cost of application for a license and must be nonrefundable. The department may by rule establish license fees which bear a reasonable relationship to the cost of administering this part"; in (5)(a) after "Each" substituted "type of license for an in-state person" for "Each license"; inserted (5)(b) through (5)(e) outlining various licenses fees; in (6)(c) substituted "required by department rule" for "the application is for a seed dealer's license"; in (7) before "seed" inserted "agricultural"; in (7)(a)(i) and (7)(a)(ii) substituted "seed dealer" for "seller"; and made minor changes in style. Amendment effective July 1, 1999.

*Termination Provision Repealed:* Section 1, Ch. 149, L. 1991, repealed sec. 5, Ch. 446, L. 1989, which terminated the 1989 amendments to this section July 1, 1991. Effective March 25, 1991.

*1989 Amendment:* Inserted (10) relating to information required on bill of lading for seed shipments. Amendment effective April 5, 1989, and terminates July 1, 1991.

*Preamble:* The preamble to Ch. 446, L. 1989, provided: "WHEREAS, the growth and spread of noxious weeds in the State of Montana has become one of the single greatest natural threats to the state's agricultural industry and economy; and

WHEREAS, this threat frequently materializes when seeds shipped into this state contain unlawful noxious weed seeds which become planted with agricultural seed crops before the Department of Agriculture has the knowledge and opportunity to embargo the shipment; and

WHEREAS, the Legislature of the State of Montana finds it appropriate to use existing Department of Highways [now Department of Transportation] personnel and the facilities in the Gross Vehicle Weight Division to obtain bills of lading on all seed shipments into the state and forward the bills of lading to the Montana Department of Agriculture in order to enhance its enforcement capabilities."

*1987 Amendment:* Near beginning of (1), after "plants", deleted "and seed labelers", after "department" inserted "for each plant", after "however, a" deleted "Montana certified", after "conditioning" deleted "or labeling certified", and deleted former last sentence that read: "Bin run seed sales from one farmer to another are exempt from this part"; deleted former (2), (3), and (6) that read: "(2) All licenses are issued on a fiscal-year basis and expire on June 30 of each year.

(3) Application for license is made in a manner and on forms provided by the department. A nonresident shall file a written power of attorney designating the secretary of state as his agent, and the power of attorney shall be so prepared and in such form as to render effective the jurisdiction of the courts

of the state of Montana over the nonresident applicant. A nonresident who has a duly appointed resident agent upon whom process may be served as provided by law is not required to designate the secretary of state as his agent. The department shall be furnished with a certified copy of the designation of the secretary of state or of a resident agent.

(6) Failure on the part of a licensee to comply with the rules issued under the authority of this section is sufficient cause for cancellation of a license by the department, provided the licensee is given a reasonable opportunity to correct inadvertent and nonrecurring deficiencies"; inserted (2) requiring posting of fees and license designation; inserted (3) requiring licensing of seed labelers and growers and providing certain licensing exceptions; inserted (4) requiring licenses for seed sellers and distributors and providing certain licensing exceptions; inserted (5) requiring listing of each person selling seed from a location other than the licensed place; inserted (6) allowing the Department to set the period of license issuance by rule; in (7), after "licensed", deleted "and may carry out inspections during normal business hours to determine that these standards are being adhered to"; in (8) inserted second sentence allowing the Department to set license fees commensurate with administrative costs; and inserted (9) setting out application requirements.

*1983 Amendments:* Chapter 464, twice in (1), changed "processing" to "conditioning"; and in first sentence of (1), changed "section" to "part".

Chapter 539 made the following changes: near beginning of (1), deleted "seed buyers, and public agricultural seed warehouses" before "shall obtain"; in (2) deleted "A license may cover any or as many as all four activities: processing plant, seed labeler, seed buyer, and public agricultural seed warehouse"; and deleted (7), which read: "The department may by rule establish bonding and insurance requirements for each class of license."

#### **Administrative Rules:**

Title 4, chapter 12, subchapter 30, ARM Seed warehouse rules.

ARM 4.12.3005 Posting of license.

ARM 4.12.3008 License year.

**80-5-131. Assessment on sales into Montana -- reporting -- rulemaking.** (1) Except as provided in this subsection, seed labelers located outside Montana who sell agricultural seed in Montana shall report those sales and pay a fee of 20 cents per \$100 in gross annual sales of agricultural seed. The department may by rule adjust the assessment fee to maintain adequate funding for the administration of this part. The assessment fee may not be less than 20 cents per \$100 or more than 30 cents per \$100 in gross annual sales of agricultural seed.

(2) The department shall by rule establish:

(a) reporting requirements, including persons who shall report, the form of reports, and the scope of information to be reported;

(b) the due date applicable to reports; and

(c) penalty provisions applicable to reports that are not received by the due date, not to exceed \$10 or 10% of the assessment due, whichever is greater.

(3) Failure to submit the report as required or to pay the assessment in full constitutes a violation subject to the penalty provisions of this chapter.

*History:* En. Sec. 13, Ch. 345, L. 1999; amd. Sec. 2, Ch. 263, L. 2003.

#### **Compiler's Comments:**

*2003 Amendment:* Chapter 263 in (1) at beginning of first sentence inserted exception clause and near middle increased fee from 15 cents to 20 cents per \$100 and inserted second and third sentences allowing the department to adjust the fee by rule and setting minimum and maximum fee. Amendment effective April 9, 2003.

*Effective Date:* Section 18, Ch. 345, L. 1999, provided that this section is effective July 1, 1999.

**80-5-132. Deposit of funds -- seed account.** (1) There is an account in the state special revenue fund to be known as the seed account. All inspection, license, assessment, filing, and penalty fee revenue collected under this chapter must be deposited in the seed account. Funds received from any source, such as gifts, grants, cost-share funds, and other funds designated for purposes consistent with this chapter, may also be deposited in the seed account.

(2) Money received as revenue under this chapter not immediately required for the purposes of this chapter must be invested under the provisions of the unified investment program established in Title 17, chapter 6, part 2. All interest earned on the seed account must be deposited in the seed account.

**History:** En. Sec. 8, Ch. 442, L. 1973; R.C.M. 1947, 3-317; amd. Sec. 2, Ch. 602, L. 1993; amd. Sec. 8, Ch. 345, L. 1999; Sec. 80-5-208, MCA 1997; redes 80-5-132 by Code Commissioner, 1999.

**Compiler's Comments:**

**1999 Amendment:** Chapter 345 in second sentence in (1) after "license" inserted "assessment, filing" and inserted third sentence regarding deposit of gifts, grants, cost-share funds, and other funds consistent with chapter purpose. Amendment effective July 1, 1999.

**1993 Amendment:** Chapter 602 substituted present section creating seed account and providing for deposit of funds in the account for former section that read: "All money collected under the provisions of this part shall be deposited to the general fund." Amendment effective July 1, 1993.

**Cross References:**

State treasury fund structure, 17-2-102.

**80-5-133. Inspection.** Consistent with the responsibilities of this chapter, authorized representatives of the department, upon presentation of department-issued credentials, may enter, at reasonable times or under emergency conditions, any public or private premises, including any vehicle of transport. The department may inspect or investigate, obtain samples, examine seeds and labels, inspect equipment, and review and copy records relating to distribution of seed or licensing requirements in Montana. Upon request, the department shall pay the current market value for each seed sample.

**History:** En. Sec. 17, Ch. 373, L. 1987; amd. Sec. 4, Ch. 345, L. 1999; Sec. 80-5-121, MCA 1997; redes. 80-5-133 by Code Commissioner, 1999.

**Compiler's Comments:**

**1999 Amendment:** Chapter 345 at beginning substituted "Consistent with the responsibilities of this chapter, authorized representatives of the department, upon presentation of department-issued credentials" for "To enforce this chapter, the department" and after "times" inserted "or under emergency conditions"; in second sentence after "may" inserted "inspect or investigate", after "review" inserted "and copy", and after "seed" inserted "or licensing requirements"; at beginning of third sentence deleted "The department may take any sample of seeds as may be required"; and made minor changes in style. Amendment effective July 1, 1999.



**80-5-134. Prohibitions.** (1) A person may not sell or transport for use in planting in this state any seed that:

- (a) contains prohibited noxious weed seeds;
- (b) contains restricted weed seeds in excess of the maximum numbers per pound allowed under rules adopted by the department;
- (c) contains in excess of 2% or more of weed seed;
- (d) is offered or exposed for sale more than 12 calendar months from the last day of the month in which the germination test was completed. This 12-month limitation does not apply when seed is packaged in hermetically sealed containers within 12 months after harvest. The container must be conspicuously labeled in not less than 8-point type to indicate that:

- (i) the container is hermetically sealed;
  - (ii) the seed has been preconditioned as to moisture content; and
  - (iii) the germination test is valid for a period not to exceed 18 months from the date of the germination test for seeds offered for sale on a wholesale basis and for a period not to exceed 36 months for seeds offered for sale at retail.

- (e) is labeled, advertised, or otherwise represented as being certified seed of any class unless:

- (i) it has been determined by a seed certifying agency that the seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety; and

- (ii) the seed bears an official label issued for that seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind, species (and subspecies, if appropriate), or variety;

- (f) is a variety for which a United States certificate of plant variety protection has been issued or applied for under the provisions of the Plant Variety Protection Act, 7 U.S.C. 2321, et seq., without the authority of the owner of the variety or is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which the certificate or application for "protection" specifies sale only as a class of certified seed, provided that seed from a certified lot may be labeled as to variety name when used in a mixture;

- (g) is not labeled in accordance with the provisions of this chapter and appurtenant rules or that has false or misleading labeling;

- (h) has been falsely or misleadingly advertised.

- (2) It is unlawful for a person within this state to:

- (a) detach, alter, deface, or destroy any label provided for in this chapter or by rules promulgated pursuant to this chapter or to alter or substitute seed in a manner that may defeat the purposes of this chapter;

- (b) disseminate any false or misleading advertisement concerning seed subject to the provisions of this chapter in any manner or by any means;

- (c) hinder or obstruct, in any way, any authorized person in the performance of duties authorized under this chapter;

- (d) fail or refuse to obtain a license when required pursuant to 80-5-130;

- (e) fail to comply with a stop sale order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order except with permission of the department and for the purpose specified in the stop sale order;

- (f) fail to comply with any provisions of this part, including rules promulgated under this part;

- (g) use the word "trace" as a substitute for any required statement; or

- (h) use the word "type" in any labeling in connection with the name of any agricultural seed variety.

**History:** En. Sec. 4, Ch. 361, L. 1969; amd. Sec. 12, Ch. 390, L. 1973; Sec. 3-820, R.C.M. 1947; amd. and reds. 3-802.4 by Sec. 45, Ch. 218, L. 1974; amd. Sec. 11, Ch. 13, L. 1977; amd. Sec. 5, Ch. 315, L. 1977; R.C.M. 1947, 3-802.4; amd. Sec. 5, Ch. 373, L. 1987; amd. Sec. 1, Ch. 345, L. 1999; Sec. 80-5-105, MCA 1997; reds. 80-5-134 by Code Commissioner, 1999.

**Compiler's Comments:**

**1999 Amendment:** Chapter 345 at beginning of (1) after "person" deleted "firm, corporation, partnership, or association"; deleted former chart in (1)(b) regarding maximum number of seeds allowed per pound (see 1999 Session Law for former text); deleted former (1)(d) that read: "(d) the germination of vegetable seed at the time of packaging was equal to or above standards prescribed in the Federal Seed Act, 7 U.S.C. 1551 through 1610, amended October 15, 1967, with subsequent revisions"; in (1)(f) substituted language regarding certificate of plant variety protection for former (6) that read: "(6) is labeled with a variety name for which a U.S. certificate of plant variety protection has been issued or applied for

**Administrative Rules:**

ARM 4.12.3010 Prohibited noxious weed seeds.

ARM 4.12.3011 Restricted noxious weed seeds.

**80-5-135. Screenings -- restrictions on movements.** All screenings, whether from seed conditioning plants or other sources, represent both a valuable and potentially hazardous product. Their movements are restricted as follows:

(1) The viability of prohibited noxious weed seed as defined in 80-5-120 shall be destroyed before screenings are utilized in feed or in any other way in which they may propagate their kind. However, if these screenings are sold for feed, it shall be the responsibility of the feed buyer to haul under a tarp cover or other tight container until the provisions of this part are met.

(2) The department may adopt rules to restrict or exempt from restriction the holding and movement of screenings when the public interest is served by so doing.

History: En. Sec. 3, Ch. 442, L. 1973; R.C.M. 1947, 3-312; amd. Sec. 9, Ch. 464, L. 1983; amd. Sec. 14, Ch. 373, L. 1987; Sec. 80-5-204, MCA 1997; reds. 80-5-135 by Code Commissioner, 1999.

**Compiler's Comments:**

*1987 Amendment:* In (1) changed "80-5-101" to "80-5-120"; and in (2), after "department", substituted "may adopt" for "has authority to issue".

*1983 Amendment:* In lead-in, changed "processing" to "conditioning".

**Administrative Rules:**

ARM 4.12.3004 Handling of screenings.

**80-5-136. Administration -- stop sale order -- violation -- cancellation of license -- enforcement.**

(1) The department shall administer and enforce the provisions of this part and the rules promulgated under this part.

(2) The department may issue and enforce a written or printed stop sale order to the owner or custodian of any lot of seed that the department finds to be in violation of this chapter. The order shall prohibit further sale or movement of the seed until the department has evidence that this chapter has been complied with. Upon proper correction by reconditioning, labeling, or otherwise and when in the judgment of the department the requirements of this chapter have been met, the stop sale order must be lifted and the seed may be sold. If a violation cannot be corrected after adequate opportunity has been provided, the department may order the destruction of any lot of seed remaining in violation. An order for the destruction of a lot of seed is subject to the contested case provisions of Title 2, chapter 4, part 6.

(3) Distribution of seeds that are not legally labeled or failure to comply with this chapter or rules issued under its authority constitutes sufficient grounds for the department to cancel or deny a license to a licensee, provided that the licensee is given a reasonable opportunity to correct inadvertent and nonrecurring deficiencies.

(4) A person who violates or aids in the violation of any provision of this chapter or rules adopted under this chapter is subject to one or both of the following penalties:

(a) an administrative civil penalty of not more than \$1,000 for each offense. Assessment of a penalty under this subsection (4)(a) may be made in conjunction with any other warning, order, or administrative action by the department under the authority of this part.

(b) a misdemeanor punishable by a fine of not less than \$100 or more than \$300 plus costs of prosecution for the first violation and not less than \$500 or more than \$1,000 plus costs of prosecution for each subsequent violation.

(5) The department shall establish by rule a penalty matrix that schedules the types of penalties, the amounts for initial and subsequent offenses, and any other matters necessary for the administration of civil penalties under subsection (4)(a). The issuance of a civil penalty is subject to the contested case procedures of Title 2, chapter 4, part 6.

(6) Nothing in this part may be construed as requiring the department or its representatives to report violations of this part when it believes that the public interest will be best served by a suitable notice of warning.

(7) It is the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(8) The department is authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this part or any rule promulgated under this part notwithstanding the existence of other remedies at law. An injunction is issued without bond.

(9) Any person adversely affected by an act, order, or ruling made pursuant to the provisions of this part may within 30 days bring action in the district court of the county or any county where the alleged violation occurred for trial of the issues bearing upon the act.

**History:** En. Sec. 7, Ch. 442, L. 1973; amd. Sec. 4, Ch. 315, L. 1977; R.C.M. 1947, 3-316; amd. Sec. 16, Ch. 373, L. 1987; amd. Sec. 1, Ch. 602, L. 1993; amd. Sec. 7, Ch. 345, L. 1999; Sec. 80-5-207, MCA 1997; redes. 80-5-136 by Code Commissioner, 1999.

**Compiler's Comments:**

**1999 Amendment:** Chapter 345 inserted (1) requiring department to administer and enforce chapter and adopted rules; inserted (2) authorizing department to issue and enforce stop sale orders to seed owner or custodian and providing criteria pertaining to stop sale order; in two places in (4)(b) inserted "plus costs of prosecution"; and made minor changes in style. Amendment effective July 1, 1999.

**1993 Amendment:** Chapter 602 substituted (2) concerning violation or aiding in a violation for "Any person convicted of violating the provisions of this part or rules promulgated under the authority of this part is guilty of"; inserted (2)(a) regarding assessment of an administrative civil penalty; inserted (3) requiring establishment of a penalty matrix; and made minor changes in style. Amendment effective July 1, 1993.

**1993 Statement of Intent:** The statement of intent attached to Ch. 602, L. 1993, provided: "A statement of intent is required for this bill because rulemaking authority is granted in 80-5-207 [renumbered 80-5-136] to the department of agriculture to adopt rules regarding administrative civil penalties for violations of the agricultural seed laws. It is intended that the department establish a penalty

matrix that sets out the kinds of administrative penalties applicable to violations of the agricultural seed laws and delineate the degrees of penalty that may be assessed for initial and subsequent administrative violations."

*1987 Amendment:* Substituted (1) (see 1987 Session Law for text) for former language that read: "The department may cancel any license issued by it when the provisions of this part have been violated by the holder of the license."

**Administrative Rules:**

ARM 4.12.3012 Civil penalties -- enforcement.

ARM 4.12.3013 Civil penalties -- matrix.

**80-5-137. Cooperation and agreements.** The department may cooperate with and enter into agreements with other governmental agencies, universities, and private entities to carry out the provisions of this part.

*History:* En. Sec. 12, Ch. 345, L. 1999.

**Compiler's Comments:**

*Effective Date:* Section 18, Ch. 345, L. 1999, provided that this section is effective July 1, 1999.

**80-5-138. Publication of reports.** The department may publish the names and addresses of persons licensed under this chapter.

*History:* En. Sec. 18, Ch. 373, L. 1987; Sec. 80-5-122, MCA 1997; redes. 80-5-138 by Code Commissioner, 1999.

**80-5-139. Rules -- promulgated by department.** (1) The department is authorized to promulgate necessary rules as authorized by this part. All rules are to be promulgated in accordance with procedures as set forth in the Montana Administrative Procedure Act.

(2) Rules may address but are not limited to the following subjects:

- (a) designation of kinds of seed as agricultural, vegetable, flower, or indigenous;
- (b) designation of kinds of seed that must be labeled as to variety name;
- (c) designation of kinds and varieties of flower seeds that may be labeled according to type and performance characteristics;
- (d) standards for determining and stating pure live seed, germination, or viability;
- (e) plants to be designated as weeds, restricted weeds, and prohibited weeds and standards for allowing weeds and restricted weeds in seeds;
- (f) procedures for implementing the administrative provisions of 80-5-136;
- (g) procedures for implementing and administering civil penalties, including establishing a penalty matrix that schedules the types of penalties, the amounts for initial and subsequent offenses, and any other matters necessary for the administration of civil penalties under 80-5-136;
- (h) procedures for submitting applications for licensing and establishing the period for which licenses are issued under 80-5-130;
- (i) minimum standards for equipment and handling procedures for facilities that require licensing, including sellers and distributors of agricultural seed, seed labelers, and conditioning plants;
- (j) standards that restrict or exempt from restriction the holding and movement of screenings, when in the public interest;
- (k) recordkeeping requirements for persons who handle agricultural, vegetable, flower, or indigenous seeds, including file samples of seed for each lot handled for a period of time up to 2 years.

(3) The department may promulgate rules related to the operation of the state seed laboratory. The rules may include but are not limited to procedures for submitting seed samples and rates charged for seed analysis.

*History:* En. Sec. 6, Ch. 442, L. 1973; R.C.M. 1947, 3-315; amd. Sec. 8, Ch. 20, L. 1979; amd. Sec. 6, Ch. 345, L. 1999; Sec. 80-5-206, MCA 1997; redes. 80-5-139 by Code Commissioner, 1999.

**Compiler's Comments:**

*1999 Amendment:* Chapter 345 inserted (2) outlining subjects for rulemaking; inserted (3) authorizing department to adopt rules related to operation of state seed laboratory, procedures for submitting seed

samples, and rates charged for analysis; and made minor changes in style. Amendment effective July 1, 1999.

**Cross References:**

Montana Administrative Procedure Act -- adoption and publication of rules, Title 2, ch. 4, part 3.  
Department defined, 80-1-101.

**Administrative Rules:**

ARM 4.12.3002 Seed handling procedures for seed conditioning plants.  
ARM 4.12.3008 License year.

**80-5-140. Application of sections.** A person, firm, association, or corporation that issues, uses, or circulates any certificate, advertisement, tag, seal, poster, letterhead, marking, circular, or written or printed representation or description pertaining to seeds or plant parts intended for propagation or sale or sold or offered for sale in which the words "Montana state certified", "state certified", "Montana certified", or "one year off certified" or similar words or phrases are used or employed is subject to 80-5-140 through 80-5-144.

History: En. Sec. 1, Ch. 11, L. 1951; amd. Sec. 43, Ch. 218, L. 1974; R.C.M. 1947, 3-809; amd. Sec. 9, Ch. 345, L. 1999; Sec. 80-5-301, MCA 1997; redes. 80-5-140 by Code Commissioner, 1999.

**Compiler's Comments:**

*1999 Amendment:* Chapter 345 near end after "Montana certified" inserted "or "one year off certified""; and made minor changes in style. Amendment effective July 1, 1999.

**80-5-141. Rules by Montana state university-Bozeman -- certification agencies.** Every person, firm, association, or corporation subject to the provisions of 80-5-140 through 80-5-144 shall observe, perform, or comply with all rules and standards for seed certification established or specified by Montana state university-Bozeman, hereafter referred to as the university, as to what crops grown or to be grown in Montana shall be eligible for certification hereunder, as to the conduct of such certification, either by said university directly or by agents or agencies authorized by it for the purpose, and as to standards, requirements, and forms of and for certification hereunder; provided, however, that not more than one such agent or agency for certification shall be designated for any one specified crop. No certification within the provisions of 80-5-140 through 80-5-144 shall be made or authorized except by or through said university.

History: En. Sec. 2, Ch. 11, L. 1951; amd. Sec. 7, Ch. 390, L. 1973; R.C.M. 1947, 3-810; amd. sec. 36, Ch. 308, L. 1995; Sec. 80-5-302, MCA 1997; redes. 80-5-141 by Code Commissioner, 1999.

**Compiler's Comments:**

*Name Change -- Directions to Code Commissioner:* Pursuant to sec. 36, Ch. 308, L. 1995, in this section the Code Commissioner changed "Montana state university" to "Montana state university-Bozeman".

**80-5-142. Certification work on self-supporting basis.** Certification work, whether conducted by said university or by an agency designated by it, shall be on a self-supporting basis and not for financial profit.

History: En. Sec. 3, Ch. 11, L. 1951; amd. Sec. 8, Ch. 390, L. 1973; R.C.M. 1947, 3-811; Sec. 80-5-303, MCA 1997; redes. 80-5-142 by Code Commissioner, 1999.

**80-5-143. Withholding certification.** The said university or its designated agency or agencies may withhold certification from any grower of seeds or plant parts who is engaged in or attempting to engage in any dishonest practices for the purpose of evading the provisions of 80-5-140 through 80-5-144, including standards and rules laid down by the said university or its designated agency or agencies to cover certification.

History: En. Sec. 5, Ch. 11, L. 1951; amd. Sec. 10, Ch. 390, L. 1973; R.C.M. 1947, 3-813; Sec. 80-5-304, MCA 1997; redes. 80-5-143 by Code Commissioner, 1999.

**80-5-144. Unlawful use of certification -- penalty.** A person, firm, association, or corporation may not issue, make, use, or circulate any document purporting to be or represented as a seed or plant part certification certificate, represent seeds or plant parts as certified, or use the term "Montana state certified", "state certified", "Montana certified", or "one year off certified" or similar words or phrases, without the authority and approval of the university. A person, firm, association, or corporation who violates 80-5-140 through 80-5-144 is guilty of a misdemeanor and shall be fined not less than \$100 or more than \$500 for each offense.

History: En. Sec. 6, Ch. 11, L. 1951; amd. Sec. 11, Ch. 390, L. 1973; amd. Sec. 44, Ch. 218, L. 1974; R.C.M. 1947, 3-814; amd. Sec. 10, Ch. 345, L. 1999; Sec. 80-5-305, MCA 1997; reds 80-5-144 by Code Commissioner, 1999.

**Compiler's Comments:**

*1999 Amendment:* Chapter 345 in middle after "Montana certified" inserted "or "one year off certified""; and made minor changes in style. Amendment effective July 1, 1999.

AP

Former Mayor Paula Bacon

City of Kaufman

Kaufman, TX 75142

*Marshall McEwen  
Im 11/13*

Dear State Legislator:

You will soon be asked to vote on ... legislation regarding the commercial slaughter of American horses of which you probably have very little firsthand knowledge. No doubt you have heard from lobbyists and organizations who want you to support the practice, but before you do, you should ask yourself why the residents of Texas and Illinois worked so hard to rid their states of their horse slaughter plants. The answer may surprise you.

As a mayor who lived with this plague in her town for many years, who knows what the horse slaughter industry really is and what it does to a community please allow me to tell you what we experienced. The industry caused significant and long term hardship to my community which was home to Dallas Crown, one of the last three horse slaughter plants in the United States.

All three plants were foreign-owned, and since the market for horsemeat is entirely foreign, the industry will always be dominated by these foreign interests. The corporations involved in this industry have consistently proven themselves to be the worst possible corporate citizens.

The Dallas Crown horse slaughtering facility had been in operation in Kaufman since the late 70's and from the beginning had caused problems both economically and environmentally. I have listed some of the specific issues below.

I will gladly provide you with detailed reports from my former City Manager, Police Chief, and Public Works Director regarding odor and wastewater effluence violations at the Dallas Crown horse slaughter plant in the City of Kaufman.. The reports reference "decaying meat [which] provides a foul odor and is an attraction for vermin and carrion," containers conveyed "uncovered and leaking liquids," there are "significant foul odors during the daily monitoring of the area," and "Dallas Crown continually neglects to perform within the standards required of them."

Therefore, in August of 2005, our City Council decided by unanimous decision to send the Dallas Crown issue to the Board of Adjustments for termination of their non-conforming use status. In March of 2006, the Board of Adjustments voted to order Dallas Crown closed, but the plant was able to tie the enforcement up in the courts until they were finally closed under state law in February of 2007.

Dallas Crown repeatedly described itself as a "good corporate citizen." I will be straightforward in asserting that they are the very antithesis of such.

- Dallas Crown had a very long history of violations to their industrial waste permit, 'loading' the capacity of the wastewater treatment plant.

- Dallas Crown denied the City access to their property for wastewater testing beginning October 1, 2004 until July 6, 2005 , despite requirement by city ordinance, city permit agreement, and court order.
- City staff reported that a \$6 million upgrade to our wastewater treatment plant would be required even though the plant was planned and financed to last through 2015.
- Odor problems resulting from the outside storage of offal and hides over several days persisted not only in traditionally African-American neighborhood known as "Boggy Bottom", but at the nearby Presbyterian Hospital , the daycare center, and surrounding areas.
- Transport of offal and fresh hides on City and state thoroughfares is conducted in leaking containers without covers.
- City documents reveal an extended history of efforts to have Dallas Crown address various environmental issues. Reports include descriptive language including such as "blood flowing east and west in the ditches from your plant," "It has been over 45 days [it had been 59 days] and no apparent cleanup has occurred," "Your system has not improved and subsequently it has gotten a lot worse," "Words cannot express the seriousness" of recent violations and the "adverse effects on the wastewater treatment plant," and "Please be sure trailers are secured before leaving your premises to prevent spills," noting also "bones and blood laying in front of the facility," problems with bones and parts in neighboring yards and the attraction of "dogs and other animals."
- In response to 29 citations for wastewater violations, each accompanied by a potential fine of \$2,000, Dallas Crown requested 29 separate jury trials, potentially causing yet another economic strain to the City's budget. We could, of course, not afford to litigate in order to extract the fines
- Dallas Crown took 11 months to submit a mandatory "sludge control plan" to assist efficient operation of the wastewater treatment plant though City staff requested it orally and in writing many times.
- The City Manager advised me that the City would have to spend \$70,000 in legal fees because of Dallas Crown problems, which was the entire legal budget for the fiscal year.
- During this period, Dallas Crown paid property taxes that were less than half of what the City spent on legal fees directly related to Dallas Crown violations.
- Generally, Dallas Crown has the economic ability to prevail, to exceed the constraints of the City's budget.

Dallas Crown had a negative effect on the development of surrounding properties, and a horse slaughter plant is a stigma to the development of our city generally. I have since learned that these problems were mirrored at the other two plants. Fort Worth's Beltex horse slaughter plant also violated Ft. Worth's wastewater regulations several times, clogged sewer lines, and both spilled and pumped blood into a nearby creek (San Antonio Current, June 19, 2003 ). Texas State Rep. Lon Burnam, D-Fort Worth, whose district includes Beltex, and Rep. Toby Goodman, R-Arlington, fought hard against legislation that would have legalized horse slaughter in Texas in 2003.

The horse slaughter plant in DeKalb , IL had a similar pattern. It was destroyed by fire in 2002, and rebuilt in 2004. It was charged and fined by the DeKalb Sanitary District almost every month from the reopening until its closing in 2007 under a new state law for consistently



exceeding wastewater discharge guidelines. I can provide you with the documentation of those violations. Like Dallas Crown, Cavel refused to pay their fines for years.

During this time, I learned that an estimated \$5 million in Federal funding was being spent annually to support three foreign-owned horse slaughter plants! And when the Dallas Crown tax records were exposed in the city's legal struggle, we found that they had paid only \$5 in federal taxes on a gross income of over \$12,000,000!

Moreover, the parent company of Cavel has since moved its operations to Canada and continued to slaughter American horses. In Canada they have apparently become even more blatant, dumping huge untreated piles of entrails onto open ground and even using a tanker truck to discharge blood and refuse into a local river.

I have mentioned only the pollution issue, but this is but one negative aspect of horse slaughter. I have subsequently learned of a USDA document containing 900 pages of graphic photos that show the horrors that the horses were subject to. Behind the privacy fences of these plants, trucks arrived continuously and on those trucks was every form of inhumane violation one can imagine from mares birthing foals to horses with eyes dangling from their sockets and legs ripped from their bodies.

The more I learn about horse slaughter, the more certain I am: There is no justification for horse slaughter in this country. My city was little more than a door mat for a foreign-owned business that drained our resources, thwarted economic development and stigmatized our community. Americans don't eat horses, and we don't raise them for human consumption. There is no justification for spending American tax dollars to support this industry at the expense of Americans and our horses.

Sincerely,

Former Mayor Paula Bacon

Kaufman, TX

325-665-2043 cell

**TO WHOM IT CONCERNS IN THE STATE OF MONTANA  
REGARDING**

**THE CONSIDERATION OF H.B. 418**

**THIS IS A CONCERN OF THE UNITED STATES OF AMERICA!!!**

**NOT just MONTANA**

The establishment of a horse slaughter plant in Montana would be fiscally irresponsible.

----- There is currently a federal restriction in place – passed by the United States Congress – that would prohibit the federally required inspection of horsemeat, thus preventing its sale outside of Montana state lines.

----- The United States Congress is expected to pass a federal ban on horse slaughter in the near future making this state bill irrelevant.

----- H.B. 418 contains language, which would severely restrict the ability of American citizens from challenging the construction or operation of a horse slaughter plant. The restrictive language sets a dangerous precedent that could impact other sectors of civic life.

----- Horse slaughter is a cruel and predatory business that purposely seeks out healthy horses; it does not provide a humane outlet for so-called “unwanted” horses as its proponents would like the public to believe.

----- Americans don't eat horses, nor do we raise them for slaughter. The vast majority of Americans oppose horse slaughter – and passage of H.B. 418 will be a proverbial black eye for Montana.

Horses do not meet the Export laws for reasons of the meds that they are fed.

A slaughter plant employs mostly illegal aliens that need to be deported.

A slaughter plant creates all kinds of environmental issues.

A slaughter plant creates more expense for the area/ state in relation to the expenses

That the area/ state would pay out in legal fees for the problems of such a plant.

**A Plant would be a huge blow to tourism. It is best to find better ideas to generate revenue with horses that are alive. With all the funds the AQHA creates with the foal registrations; there is a better plan for Our horses.!!!**

AD

Marshall McFwen  
Dm 173

February 18, 2009

To all Montana Representatives,

A quick note to let you know how I feel about the establishment of a horse slaughter plant in your state.

- 1) This would be an incredibly irresponsible fiscal undertaking...are you not aware that we are in a severe recession???
- 2) There is currently federal legislation in place that would prohibit the federally required inspection of horsemeat which would prohibit its sale outside of Montana state lines.
- 3) H.B. 418 contains language which would severely restrict the ability of American citizens from challenging the construction or operation of a horse slaughter plant. The restrictive language sets a dangerous precedent that would impact other sectors of civic life.
- 4) Horse slaughter is a cruel and predatory business that purposely seeks out healthy horses: it DOES NOT provide a humane outlet for so-called "unwanted" horses as the pro-slaughter coalition would have you believe.
- 5) Americans don't eat horses nor do we raise them for slaughter. The vast majority of Americans strongly oppose horse slaughter and passage of H.B. 418 will certainly be bad press for your state. Do you really want to be known as the "horse slaughter capital of America?"

In closing then, if a horse slaughter plant materializes in your state myself and many others will vow never to set foot in Montana again. I will be sending a copy of this letter to your department of tourism and numerous media outlets. Please take heed, research your facts and do the right thing which is to OPPOSE H.B.418. Your actions are being closely observed.

Mary Jane Riggs  
Muncie, IN

AD

To: Agriculture Committee  
State of Montana

From: Kathleen S. Stack

Re: H.B. 418

*McLaren  
Jan 17 3*

Dear Committee Members:

It was with great sadness and horror that I was informed that the great state of Montana is considering allowing a horse slaughter plant to open and that it would be exempt from any prosecution/legal actions to interfere with its construction or operation.

First, why would any state allow a horse slaughtering plant to be built in there state & second, why would any state propagate or condone the inhumane practice of horse slaughtering? It is beyond belief that Montana would even consider this when other states have closed done plants and banned further plants from being open.

Besides being brutal and inhumane to those beautiful horses who want nothing more than to live out their lives in peace and without fear, slaughtering is just not necessary and downright wrong.

There are humane ways of reducing the horse population. Sterilization is one; human euthanasia by a caring veterinarian is another. Slaughter is not one of them. Owners should be responsible for the horses in their care and should not abandon horses due to the current economic conditions.

Not only is slaughtering inhuman and wrong, it brings with it more problems:

Minimal jobs @ minimum wages

Workers compensation losses

There are still numerous wastewater & industrial waste violations at all 3 former operating plans that the foreign plant owners were never prosecuted for because local jurisdiction did not have the \$\$ to outfight them in court.

I have been to your beautiful state in the past but will not entertain any plans to visit Montana, or any other state, that would consider allowing horse slaughtering plants to be allowed in their state.

Please, for the sake of all those beautiful horses, do not let this bill pass.

Respectfully yours,

Kathleen S. Stack  
San Francisco, CA

AD

Marshall McFadden  
Room 113

**To The Montana Representatives  
Regarding a Horse Slaughter Plant:  
Please visit this link and then tell the  
United States this is what you want in your  
State. Warning: Graphic real photos of our  
American Horses, and this is what Montana  
will be participating in:**

<http://animals-angels.com/index.php?pageID=675&synlink:docID=i8386&synlink:linkID=48>

Some One needs to do some research on this matter.

And the link to Paula Bacon, the Mayor of Kaufman, Texas where a horse slaughter Plant was doing processing until 2007.

<http://www.animallawcoalition.com/horse-slaughter/article/686>

American's Do not want horse Slaughter.

Either some foreign entity has paid someone well to introduce this bill, or the Pro Slaughter groups, such as AVMA, or AQHA is backing/ funding this bill.

Is this what Montana Needs? I don't think so...H.R. 503 is for America.

*This is a National Issue!*

*x12 ... HR 418 Nova Vandamme*

Date: 2/19/2009

**Subject: H.B. 418 in Montana**

Montana's Agriculture Committee Members,

I oppose the passing of this bill due to the following:

- Horse slaughter is not humane, does not solve any "unwanted horse" issues.
- A slaughter house provides minimal jobs at minimal wages, there is a huge risk for increased workman's comp cases, and there is a federal ban on using federal inspectors (horsemeat could not be sold outside of Montana).
- There have been numerous wastewater and industrial waste violations at all 3 former operating U.S. slaughter plants that the foreign plant owners were never prosecuted for because the local jurisdictions did not have the \$\$ to outfight them in court.
- Humane euthanasia administered by a vet is far more humane than slaughter.

If this bill passes I will never travel to Montana.

Joyce Rossel

112 Cascade Dr

LaGrange, IL

Kris112388@sbcglobal.net

Date: 2/19/2009

Subject: H.B. 418 in Montana

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• Horse slaughter is not humane, does not solve any "unwanted horse" issues.

• A slaughter house provides minimal jobs at minimal wages, there is a huge risk for increased workman's comp cases, and there is a federal ban on using federal inspectors (horsemeat could not be sold outside of Montana).

• There have been numerous wastewater and industrial waste violations at all 3 former operating U.S. slaughter plants that the foreign plant owners were never prosecuted for because the local jurisdictions did not have the \$\$ to outfight them in court.

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**THE CONSIDERATION OF H.B. 418**

**THIS IS A CONCERN OF THE UNITED STATES OF AMERICA!!!**

**NOT just MONTANA**

The establishment of a horse slaughter plant in Montana would be fiscally irresponsible.

----- There is currently a federal restriction in place – passed by the United States Congress – that would prohibit the federally required inspection of horsemeat, thus preventing its sale outside of Montana state lines.

----- The United States Congress is expected to pass a federal ban on horse slaughter in the near future making this state bill irrelevant.

----- H.B. 418 contains language, which would severely restrict the ability of American citizens from challenging the construction or operation of a horse slaughter plant. The restrictive language sets a dangerous precedent that could impact other sectors of civic life.

----- Horse slaughter is a cruel and predatory business that purposely seeks out healthy horses; it does not provide a humane outlet for so-called “unwanted” horses as its proponents would like the public to believe.

----- Americans don't eat horses, nor do we raise them for slaughter. The vast majority of Americans oppose horse slaughter – and passage of H.B. 418 will be a proverbial black eye for Montana.

Horses do not meet the Export laws for reasons of the meds that they are fed.

A slaughter plant employs mostly illegal aliens that need to be deported.

A slaughter plant creates all kinds of environmental issues.

A slaughter plant creates more expense for the area/ state in relation to the expenses

That the area/ state would pay out in legal fees for the problems of such a plant.

**A Plant would be a huge blow to tourism. It is best to find better ideas to generate revenue with horses that are alive. With all the funds the AQHA creates with the foal registrations; there is a better plan for Our horses.!!!**



## TO THE STATE OF MONTANA; THE BIG SKY COUNTRY

While the United States I heading for a ban on horse slaughter and The transport of our horses out of the U.S. to slaughter in foreign lands for human consumption, Rep. Butcher wants a horse slaughter plant in Montana.

No, they don't shoot horses in a slaughter plant. Right now, in Mexico, they hit them with hammers, or use the puntilla knife.

THIS IS WHAT AMERICANS CALL TORTURE AND ABUSE.

REASONS MONTANA SHOULD NOT HAVE A FACILITY TO  
SLAUGHTER EQUINE:

1. Horses are not meeting the Export laws on the meds that have been fed the horses prior to slaughter for human consumption.
2. Slaughter plants create more horses being stolen.
3. USDA FOIA reports show the hundreds of THOUSANDS OF \$\$\$ in fines for those transporting horses to slaughter when the U.S. plants were open in Texas and Illinois. Horses arrive without eyes, without legs, they arrive dead from being in a trailer without food, water for days and days.
4. Horses in transport fight and kill each other.
5. Horses that are pregnant often lose the baby, and it is illegal to ship pregnant mares to slaughter, by the way.
6. There are no FUNDS FOR INSPECTIONS for such a plant.
7. Employees of such slaughter plants are mostly illegal and need to be deported. The employees are paid min. wage and the largest % of them in other plants are felons and criminals and can not find other work.
8. The foreign companies who are finding their way to the reps I this country are looking out for their WALLETS ONLY.
9. The only benefit of a horse slaughter plant is for the foreign company that would own the plant to process meat for their dining in restaurants.
10. A study for such a horse slaughter plant is for someone to gain some quick money for a friend most likely.
11. **The AQHA, AVMA and Equine Welfare Council are PRO SLAUGHTER AND THEY WANT A PLACE TO SEND THEIR UNWANTED HORSES.**
12. **AMERICANS DO NOT WANT OUR HORSES TO BE SLAUGHTERED HERE IN THE U.S. OR TAKEN ANY WHERE TO BE SLAUGHTERED AND EATEN BY HUMANS.**
13. Past slaughter plants have been foreign owned and have paid less than 5.00 annually for taxes.
14. Ruin the sewage systems in the area. Sewage backs up into the residents homes.
15. Horses are great for therapy, and need to be used for generating revenue rather than to kill them for the foreigners to eat.

Say no to H.B. 418

**This is a NATIONAL ISSUE; AMERICANS DO NOT SLAUGHTER  
OR EAT OUR EQUINE.**

<http://animals-angels.com/index.php?pageID=675&synlink:docID=i8386&synlink:linkID=48>

John Romeo

**TO: All member of the House local government Committees**  
**FAX: 406-444-4825**

**FROM: Dr.Thomas Pareil**  
**FAX: 317-831-8479**

**Please distribute this to all member of the local government committees in both the house and senate.**

AD

Rep. Mary Caferro  
Montana House of Representatives  
P.O. Box 200400  
Helena, MT 59620-0400

Re: HB418 sponsored by Edward Butcher

Dear Rep Caferro:

Please vote NO regarding the above bill. Americans across this country are not in favor of horse slaughter to appease the appetites of those in Europe. Our horses are not raised for the dinner table; they are an American icon and should be treated accordingly.

Horse slaughter is an inhumane practice and our horses are mistreated and abused both during transportation and upon arrival at Mexican and Canadian slaughter plants. These horses are not humanly euthanized, in Mexico it is standard practice to stab a horse in the spine and paralyze it, while those in attendance stand about and cheer.

Don't be fooled by those in favor of this bill, multiple studies have been conducted showing that it is not the unwanted, old, or sick horses that are being sent to slaughter. The majority of horses being purchased by the kill buyers at auctions are perfectly healthy, usable horses.

I urge you to look closely into this issue, and have no doubt you will learn for yourself the real truth regarding the horrors of horse slaughter.

Thank you for your time.

Catherine J. Dameron